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SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
March 1, 1994
9:30 A.M.
Community Center
Shishmaref, Alaska

COUNCIL MEMBERS PRESENT:

Sheldon I. Katchatag, Chairman
Roy P. Otton, Vice Chairman
Loretta E. Muktoyuk, Secretary
Zaccheus W. Barr
Theodore Katcheak
George H. Lockwood
Leonard Adams

Barbara M. Armstrong, Coordinator

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P R O C E E D I N G S

1
2 MR. KATCHATAG: Good morning. As the chairman
3 of the Seward Peninsula Subsistence Regional Advisory Council,
4 I'll call the meeting to order. It's 9:30 a.m. here in
5 Shishmaref, at the Community Center.

6
7 We'll have Madam Secretary call the roll?

8
9 MS. MUKTOYUK: Sheldon I. Katchatag?

10
11 MR. KATCHATAG: Here.

12
13 MS. MUKTOYUK: Roy Otton?

14
15 MR. OTTON: Here.

16
17 MS. MUKTOYUK: Loretta Muktoyuk, here. George
18 Lockwood?

19
20 MR. LOCKWOOD: Here.

21
22 MS. MUKTOYUK: Bill Barr?

23
24 MR. BARR: Here.

25
26 MS. MUKTOYUK: Ted Katcheak?

27
28 MR. KATCHEAK: Here.

29
30 MS. MUKTOYUK: Leonard Adams?

31
32 MR. ADAMS: Here.

33
34 MS. MUKTOYUK: All present.

35
36 MR. KATCHATAG: Thank you, Madam Secretary.
37 Mr. Barr, would you give the invocation, please? Everybody
38 please rise?

39
40 MR. BARR: Let us all pray. Heavenly Father,
41 thank you for this day and splendid blessings. Bless those
42 people that are here today so that we may have a good meeting,
43 and then provide us with a sound mind and management. We ask
44 Thy name. Amen.

45
46 MR. KATCHATAG: Thank you, Bill. Mr. Barr,
47 would you give a brief thank you to the people of Shishmaref,
48 and also we'll then get into introductions.

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1 MR. BARR: Okay. Thank you, Mr. Chairman. I'd
2 like to welcome you all to our community here and our
3 president, or IRA President just walked in, so -- Luci
4 Eningowuk.

5
6 I'd also like to welcome the Board here to Shishmaref,
7 and I hope you guys had a sound rest last night like I did. I
8 was kind of surprised, you know, I went to sleep last night. I
9 thought I'd be awake half of the night again, you know, like I
10 was all this time while you guys were, you know, making up your
11 mind or while you guys were thinking if you guys were going to
12 come up here, you know, and I -- with lack of sleep and all
13 this, you know, but I feel I slept pretty good last night. So
14 I hope you guys did the same, too, and have a sound mind so
15 that we can conduct our business here. And I'd like to welcome
16 everybody to our meeting here.

17
18 And the president of the IRA is here. Maybe she'll
19 have a few words she'd like to address? Luci, do you have a
20 few words you'd like to address us?

21
22 COURT REPORTER: Could you come up to the
23 microphone, please? Thank you.

24
25 MS. ENINGOWUK: Thank you, Bill. I'd like to
26 welcome each and every one of you to Shishmaref, and thank you
27 for coming.

28
29 On behalf of the IRA Council, we have some concerns in
30 reference to subsistence. Subsistence is always our concern,
31 and we have some that we'd like for you to consider, especially
32 moose hunting. I understand the moose hunting regulations
33 are recommended or to have the closure of hunting in January.
34 At Shishmaref, it's usually on March 30th, and we'd like to
35 keep it that way.

36
37 And also this new one on musk ox, we'd like, if it's in
38 your jurisdiction, we'd like for -- we'd like to see how they
39 taste.

40
41 MR. KATCHATAG: Excuse me, ma'am. Two things
42 before we get too far along. First of all, I'd like to state
43 your name and your position for the record?

44
45 MS. ENINGOWUK: Okay. I'm sorry, Sheldon. My
46 name is Luci Eningowuk. I'm with the Shishmaref IRA Council as
47 president. And I'd like to introduce our IRA council members.
48 Daniel Iyatunguk, David Sockpick, Edgar Ningeolook, Tommy

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Obruk, Alvin Kugaroruk, and we have one more.

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2

UNIDENTIFIED: Arden.

3

4

MS. ENINGOWUK: Oh, yeah, Arden's working at the school. And also for -- we have Clifford Weyionanna, (indiscernible), Albert Ningrucrok and Ken Adkisson and Fred Tockdoc from National Park Service in Nome. Okay.

8

9

MR. KATCHATAG: Okay. Thank you. Before you get into your regulation change proposals, if you'll look under TC, we will be discussing regulation change proposals during that part of the agenda.

13

14

MS. ENINGOWUK: All right. Thank you.

15

16

MR. KATCHATAG: Thank you very much, ma'am.

MR. Weyionanna?

18

19

MR. WEYIONANNA: I'm not really the mayor of Shishmaref, but Johnson Eningowuk, the mayor, is out on business. Bering Air who had a schedule coming in at 9:30. But I'd like to -- I've been the mayor here in Shishmaref in the past. I've been an IRA council president in the past. And I've been president of Shishmaref Native Corporation. So I've been in politics. Over 17 years on Bering Straits School District Board of Education, so I've been on for a while. But I'd like to welcome you people on behalf of Johnson. I'm sure that he's going to be walking in pretty soon, but I'm just a simple reindeer herder now. I'm completely out of politics, which is enjoyable.

31

32

But I'd like to stress a couple of things as far as I have some concerns for the people of Seward Peninsula. I have helped the State Fish and Game as well as the Federal Fish and Game through the Park Service, on the count -- helping them out on count with the musk ox as well as the survival of the moose back there on severe winters, trying to help the -- to -- so that the subsistence hunting continues, as well as the rabbit population, because I spend an awful lot of time out in the country with my reindeer to where I can actually help you people out in making some sound decisions so that we can continue the subsistence lifestyle.

43

44

And, friends, I tell you, the subsistence lifestyle here in the village, as well as the other villages, is real strong yet. We're not quite yet used to the McDonald's hamburgers and them pizzas yet. We eat them all right, but we still have to depend an awful lot on subsistence lifestyle,

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whether it be the ocean, the sea mammals, and -- or the land.

1
2 So I again, on behalf of Johnson, and I'm sure somebody
will introduce him when he walks in, would like to welcome you
folks, and I thank you for coming up. It's always a pleasure
when people come up to have a meeting in the villages, and --
6 so as a simple reindeer herder, I thank you very much, and
welcome.

8
9 MR. KATCHATAG: Thank you, Mr. Weyionanna. And
for the record, that is Mr. Clifford Weyionanna.

11
12 Moving on to item five, introductions, I will introduce
the Seward Peninsula Subsistence Regional Advisory Council.
Beginning on my right we have Leonard Adams from Brevig
Mission, George Lockwood from Unalakleet, Loretta Muktoyuk from
King Island Community, myself Sheldon Katchatag from Elim and
Unalakleet, Roy Otton from Koyuk, Theodore Katcheak from
Sebbins, and your very own Z. William Barr from Shishmaref.

19
20 I am the chair. I'm presently on a one-year term of
appointment, beginning last August. Roy Otton is the Vice
Chair. Loretta Muktoyuk is the secretary. And since we have
no funds, we have no treasurer.

24
25 At this time, I would like to turn it over to our
Regional Coordinator, Ms. Barbara Armstrong, and she can
introduce the staff that is present here from the various
agencies. Barb?

29
30 MS. ARMSTRONG: Okay. Thanks. Well, I have
here with me our director, Assistant Regional Director Dick
Bospahala here, and my immediate supervisor, Mike Lockhart, and
those are the only two that are here right now. And then our
Recorder, Meredith Downing. And if you would introduce
ourselves, please?

36
37 MR. DENTON: My name is Jeff Denton. I'm with
the Anchorage District, BLM.

39
40 MS. MORKILL: Ann Morkill with the Kobuk
District BLM.

42
43 MS. ARMSTRONG: And Fred and Ken, you've been
introduced? Okay. Thank you, sir.

45
46 MR. KATCHATAG: Thank you, Barb. Our next item
on the agenda is item 5C, the Shishmaref officials, and that's
been pretty much taken care of by Mr. Barr and Mr. Weyionanna.

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And as soon as Mr. Eningowuk appears, we will introduce him for the record. And any village corporation officials here?

2

3 MS. ENINGOWUK: We have Bill Barr and Percy
 4 Mayokpuk is our president, but he's meeting a plane, too. We
 5 have David Sockpick, Edgar Ningeolook, and we still have
 6 Clifford on.

7

8 MR. WEYIONANNA: I'm the short-timer though,
 9 Mr. Chairman.

10

11 MR. KATCHATAG: Thank you, Mr. Short-timer.
 12 Any other introductions that need to be made at this time?
 13 Hearing none, we'll continue with item six. Yes?

14

15 MR. OBRUK: I raised my hand for some chief
 16 (ph) council members, and myself, the vice mayor, Tommy Obruk.
 17 And we have David Sockpick, Bill Barr, and some of the
 18 gentlemen here I guess as worth mentioning. The mayor is
 19 taking care of a Bering airplane this morning, but he'll be in
 20 shortly, but is at that at the present time.

21

22 MR. BARR: And our secretary back there,
 23 Barbara Armstrong -- Barbara, I mean, I'm sorry. Everybody's
 24 Armstrong now. Barbara Neal. I mean, Barbara Weyanna. I'm
 25 sorry. I'll get her name straightened out yet.

26

27 MR. KATCHATAG: Okay. Thank you, Mr. Barr and
 28 Mr. Obruk. I appreciate that.

29

30 Moving on to item six, Ms. Muktoyuk with the minutes of
 31 the last meeting. Loretta?

32

33 MS. MUKTOYUK: The Seward Peninsula Subsistence
 34 Regional Advisory Council regular meeting was held on October
 35 1st, 1993, at Bering Straits Native Corporation board room.

36

37 Peggy Fox gave overview of the roles and
 38 responsibilities of the Regional Advisory Councils and
 39 Coordinators.

40

41 There was a long discussion on Federal Register for
 42 Department of Interior Fish and Wildlife Service on Subpart D,
 43 Subsistence Taking of Fish and Wildlife.

44

45 Part of the discussion was conflict of interest between
 46 State and Federal Regulations. The Council's recommendations
 47 will have impact on changes for our people.

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There was questions, if State of Alaska had jurisdiction over Native corporation lands. State of Alaska does not have jurisdiction over any private lands, only navigable waters.

4

5 There was also suggestions for co-management between Eskimo Walrus Commission, Eskimo Whale Commission, but that management have equal powers.

8

9 There was concerns about: Bag limits for single parents and Elders. Hunting seasons did not comply with animals migrating with some of the villages. Fees for permits, license and waivers were only causing hardships for low income families.

14

15 State of Alaska considered commercial and sports fishing, hunting and trapping high priority over subsistence harvest.

18

19 There was also concerns for ceremonial use of furs for Eskimo dancing. That there should not be any permits used for furs.

22

23 National Park Service (Nome) employees gave overview of what is permitted on Bering Land Bridge Preservation. Commercial guides will be permitted along with sports hunting. But that subsistence hunting and fishing is priority over commercial guides and sports fishing and hunting. Reindeer grazing will continue to be permitted.

29

30 BLM Anchorage District Office occupies lands in the Unalakleet drainage and Golsovia drainage in this subsistence region.

33

34 Presently there are concerns for lack of information for large animals population, distribution, habitat conditions and to manage long-term healthy populations. Need more information on harvest take of animals, age, sex, location and date of harvest.

39

40 There are some concerns about bears. Bear population has increase past couple years.

42

43 Concerns for allowing small herd of Western Arctic Caribou migrating to cross the Unalakleet River near Unalakleet to make natural movements into or to pioneer unoccupied habitats.

47

48 Department of Fish and Game employees from Nome gave

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some presentation on role and mission and that was health and states of wildlife. And stated some of their responsibilities were management, survey of animals, moose census in subsistence, population of wolves. Western Arctic Caribou and reindeer herds, under game biologist.

5
6 Subsistence Division to do research on fish and
7 wildlife.

8
9 Charlie Lean suggested October 1 to October 1 to be the
10 time to change regulations on report proposals to change
11 regulations.

12
13 Then we had elections of officers. The results of
14 elections: Chairman Sheldon Katchatag, Vice Chairman Roy
15 Oston, Secretary myself, members William Barr, Theodore
16 Katchek, George Lockwood, and Leonard Adams.

17
18 Council Comments: Chairman Sheldon Katchatag commented
19 that "Federal agencies should recognize tribal governments and
20 importance of subsistence issues at village level in Western
21 Alaska and that they should work with tribal governments."
22 Also stated that he will be sending out proposals requesting
23 Regional Advisory Council and the Subsistence Board work with
24 tribal governments in the region to gather information on
25 subsistence issues and develop a cooperative government-to-
26 government relationship. Two villages were not notified of the
27 proposal, and they were Shishmaref and King Island.

28
29 Mr. Lockwood commented that Federal and State officials
30 should travel to rural Alaska and see how important subsistence
31 hunting and fishing is, and that there is real high
32 unemployment and that we rely on subsistence hunting and
33 fishing to supplement our food during the winter months.

34
35 He also expressed his concern about using population
36 for subsistence users (users meaning natives). What is
37 considered rural by population, when natives can be 90% and
38 heavy subsistence users.

39
40 Bill Barr commented that native people hunt for food
41 and not just for slaughter everything. That we hunt what we
42 need for food and that we share our harvest with grandparents,
43 families within the community. Also there are bag limits under
44 the regulations.

45
46 Good hunters get their bag limits and bad hunters
47 don't. There is a problem there.

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Mr. Katcheak suggested that we should make memorandum of agreement to teach our young people about Federal and State regulations on hunting and fishing and maybe our young people won't get into trouble by learning the regulations. And he also stated that this should be implemented in the school districts.

6

Mr. Otton commented that United States always considered itself "Champions of human rights" for their own people, whereas indigenous people, meaning natives, always have to follow rules and regulations, and that native villages have their own constitutions and by-laws approved by Assistant Secretary of Interior and that federal agencies should abide by them.

14

Mr. Stanton Katchatag expressed his thanks in forming the Seward Peninsula Subsistence Regional Advisory Council to work with Federal and State subsistence employees to work out problems with the regulations on subsistence hunting and fishing and expressed that it was long time coming.

20

Mr. Katchatag would like to see proposals with cooperative agreement or co-management agreement between the Federal Government, the Subsistence Board, the Regional Advisory Council and tribal governments regarding subsistence rights of tribal people.

26

And I commented that people play important role in subsistence hunting and fishing. Men bring home the game and women cut the -- cut and clean the game and prepare the food for winter use. And use the fur to be made -- to make mukluks, parkas and slippers for customary use. And that women pick greens and berries to store for winter use.

33

Mr. Otton commented that Native Village of Koyuk and Native Village of Shaktoolik will be working together to form joint co-management with federal agencies to manage fish and wildlife for their villages.

38

Mr. Katcheak motioned to adopt the draft proposal "To recognize and re-affirm the government-to-government relationship between the United States of America and the Tribal Governments of our region as recognized in the Federal Register," seconded by Bill Barr. Motion passed.

44

Mr. Otton brought up a concern: who was responsible for doing the minutes and Ms. Armstrong commented that the Secretary of the Council had the responsibilities.

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There was discussion on the draft proposal Sheldon Katchatag presented to the Council. There was suggestions by Mr. Sherrod that the villages would need to pass the resolution or proposal, "Regarding a cooperative agreement between the Subsistence Board, the Regional Advisory Council and tribal governments in the area. And send it out to the villages for support."

Loretta Muktoyuk read the draft proposal to recognize and reaffirm the government-to-government relationship between the United States of America and the tribal governments of our region as recognized in the Federal Register.

Loretta Muktoyuk made motion to give 30 days period for comments from the villages, sometimes the mail is slow to the villages, seconded by Bill Barr. Motion carried.

Bill Barr moved to amend the 30-day period for comments to 60 days, seconded by George Lockwood. Motion carried.

Mr. Otton suggested that we use back-up material for public comments on the draft proposal.

The Council went on to listen to proposals to change regulations. I didn't type all of those. I didn't have the time.

Mr. Barr made motion to adjourn, seconded by Mr. Lockwood.

MR. KATCHATAG: Thank you, Loretta. Any corrections or deletions to the minutes as read? Hearing none, I would entertain a motion to adopt the minutes of the last meeting.

MR. OTTON: Are you asking for a motion
.....

MR. KATCHEAK: I move.

MR. KATCHATAG: We have a motion on the floor to adopt the minutes of the motion -- the minutes of the last meeting as read. Is there a second?

MR. OTTON: I'll second.

MR. KATCHATAG: Seconded by Roy. Any discussion?

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MR. BARR: Question.

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2 MR. KATCHATAG: The question's been called.
All those in favor of adopting the minutes as read signify by
saying "aye"?

5
6 ALL: Aye.

7
8 MR. KATCHATAG: Oppose, "nay"? Motion carries.
9

10 At this time I would like to amend the tentative agenda
to seek any additions or deletions to the tentative agenda as
shown in the Region Seven, SPSRAC Proposal Analyses. One thing
that I would like as Chair is to add a couple things. Under
new business, I think between C and D we should have some
discussion on the Marine Mammal Protection Act, and whether or
not there have been any significant changes in that particular
document, and then how it relates to our Council here. After
Item G, I think I would like to add an Item H dealing with the
Migratory Birds Treaty, and Item I the Federal Subsistence
Board meeting in April. Are there any other additions or
deletions to the tentative agenda?

22
23 MR. LOCKWOOD: Mr. Chairman?

24
25 MR. KATCHATAG: Yes?

26
27 MR. LOCKWOOD: Where is this meeting now, it
will take place?

29
30 MR. KATCHATAG: The Federal Subsistence Board,
correct me if I'm wrong, will be in Anchorage?

32
33 MR. LOCKHART: That's correct.

34
35 MR. LOCKWOOD: Oh, in Anchorage.

36
37 MR. KATCHATAG: April.

38
39 MR. POSPAHALA: About the third week in April
40 or the second week in April.

41
42 MR. KATCHATAG: The second week in April.

43
44 MR. POSPAHALA: The second full week.

45
46 MR. LOCKWOOD: The second week of April?

47
48 MR. KATCHATAG: Yeah. And it's one full week
49
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long. So after Item C we would insert a new Item D, and that would be the Marine Mammal Protection Act. And the existing D, E, F and G would become E, F, G, H. And the new additions would be I and J if my -- I'm correct in my additions. Any other additions or deletions to the minutes (sic)?

5

6 MR. BARR: Mr. Chairman, have we deleted any of
7 it?

8

9 MR. KATCHATAG: Pardon?

10

11 MR. BARR: Have we deleted any of the items
12 here?

13

14 MR. KATCHATAG: Not at this time. Do you wish
15 -- any to be deleted?

16

17 MR. BARR: No.

18

19 MR. KATCHATAG: Okay.

20

21 MR. BARR: Just had the question.

22

23 MR. KATCHATAG: Any other additions or
24 deletions to the tentative agenda? Hearing none, I would
25 entertain a motion to adopt the agenda as shown and amended?

26

27 MR. BARR: So move, Mr. Chairman.

28

29 MR. KATCHATAG: We have a motion. Do I hear a
30 second?

31

32 MR. OTTON: I'll second.

33

34 MR. KATCHATAG: Seconded. Question?

35

36 MR. KATCHEAK: Question.

37

38 MR. KATCHATAG: All those in favor of adopting
39 the agenda as amended, signify by saying "aye"?

40

41 ALL: Aye.

42

43 MR. KATCHATAG: All those opposed, "nay"?
44 Motion carries. The agenda is adopted.

45

46 Moving on to Item Seven, Old Business. Seven-A is a
47 draft proposal for the tribal subsistence management. This is
48 included in -- I thought it was. No, I guess it's not.

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1 MR. OTTON: This one here?

2
3 MR. BARR: Mr. Chairman?

4
5 MR. KATCHATAG: Yes?

6
7 MR. BARR: Before we go on, I'd like to
8 elaborate a little bit on the minutes. I guess we received the
9 minutes yesterday, and our coordinator said she hadn't had time
10 to make minutes of the -- copies of the minutes for everybody,
11 you know, so this afternoon maybe she will make copies of the
12 minutes so you can -- for your review?

13
14 MR. KATCHATAG: Thank you, Mr. Barr.

15
16 MS. ARMSTRONG: Okay.

17
18 MR. KATCHATAG: A momentary recess, a minute.

19
20 (Off record) 10:02 A.M.

21
22 (On record) 10:40 A.M.

23
24 MR. KATCHATAG: I'll call the session back to
25 order.

26
27 During the break I was talking with Mr. Pospahala, who
28 the Assistant Regional Director for Subsistence. And he's
29 informed me that he has a time crunch, so before we get to him,
30 what I'd like to do now is introduce the mayor of the City of
31 Shishmaref, Mr. Johnson Eningowuk?

32
33 MR. ENINGOWUK: Welcome to Shishmaref.

34
35 MR. KATCHATAG: Thank you, Johnson. And at
36 this time I would like to entertain a motion for us to jockey
37 the agenda a little bit so that we could accommodate
38 Mr. Pospahala. He has to catch a 12:45 plane out of here for
39 home so that he can make a meeting in Anchorage. So in talking
40 with Mr. Pospahala, what I would like to do at this time is to
41 move Item D, which was the amended or the added Marine Mammal
42 Protection Act, and the Migratory Birds, D and I, move them to
43 A and B. And also probably Item H. So D, the Marine Mammal
44 Protection Act, will become A. I, the Migratory Birds, will
45 become B. And Council -- H is communications, Item H will
46 become C. And I would entertain a motion for that at this
47 time.

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MR. BARR: So move, Mr. Chairman.

1
2
3 second?

MR. KATCHATAG: We have a motion. Do I hear a

4

MR. OTTON: Second.

5

6

MR. KATCHATAG: Seconded. Any discussion?

7

8

MR. BARR: Question.

9

10

MR. KATCHATAG: The question's been called.

11

21 those in favor of jockeying the agenda to accommodate

MR. Pospahala, signify by saying "aye"?

14

ALL: Aye.

15

16

17

MR. KATCHATAG: Opposed, "nay"? The motion
passes. So at this time I would turn it over to Mr. Pospahala
to discuss the Marine Mammal Protection Act and any pertinent
changes that he is aware of.

21

22

MR. POSPAHALA: Excuse me. Thank you,
Mr. Chairman. Before I go into some of the -- any discussion
of the specific topics, I'd like to take this opportunity to
express my appreciation for this Council and the other Regional
Advisory Councils that were appointed by the Secretary of the
Interior last August. This, of course, represented a major
change, and a step forward in the Federal Subsistence Program,
because at that point we began to finally comply with Section
805 of ANILCA, which is that section that places a great deal
of emphasis on participation in this federal program by local
rural residents of Alaska to provide the people that live in
rural Alaska through these regional councils to have a very
active voice in how this federal program operates, and I
certainly appreciate having you all on board now.

36

37

I think the initial meetings last September and October
revealed a lot of things to us in terms of how we need to
adjust our program to cause us all to be successful in those
endeavors. And I personally am fully committed to working with
the Councils and to try to see this program move forward. My
staff generally feels the very same way, and I can also assure
you that the Federal Subsistence Board is very serious about
their commitment to rural Alaskans to provide for the
priorities and things that are laid out in Title Eight of
ANILCA, so we do look forward very much to working with you in
the long run.

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I have little information to offer on the Marine Mammal Protection amendments. Our director, Molly Beatty, testified before a Congressional committee about two weeks ago, and I have little information from that testimony in terms of what results might be forthcoming, but I was told on the telephone the other day that it's unlikely that most of the amendments that had been offered up at one point in time in discussions by the Fish and Wildlife Service will be going forward in that package as it goes for approval by the U.S. Congress.

9
10 With regard to polar bears, excuse me, the Service has now recognized that the initial efforts that they had embarked upon to develop an international agreement with regards to polar bears was perhaps advanced a little too quickly, and without the adequate and appropriate involvement by Alaskan natives, and you may or may not know that now the intention is to establish an Eskimo Polar Bear Commission in Alaska. They will then be a party to a four-way agreement with the Soviet -- former Soviet Union that will allow for native representation and government representation in the Soviet Union as well as an equal representation by the Federal Government and by the Alaskan natives in Alaska. So it should work very much like the existing Eskimo Walrus Commission works.

23
24 There will be a meeting in Kotzebue. That's a Walrus Commission meeting, is it, Sheldon?

26
27 MR. KATCHATAG: Yeah.

28
29 MR. POSPAHALA: On Thursday, and David Allen will be attending that meeting to discuss with the Walrus Commission the efforts that will be forthcoming on that cooperative agreement. I'm told that now I think they plan a meeting in October of this year to sit down and actually draft that agreement. So it's certainly not on a fast track now, and there will be plenty of opportunity for involvement by native Alaskans in this effort.

37
38 With regard to the Migratory Bird Treaty Act,

39
40 MR. BARR: Mr. Chairman? Mr. Chairman?

41
42 MR. KATCHATAG: Yes? Excuse me.

43
44 MR. POSPAHALA: Uh-huh.

45
46 MR. BARR: Before you go on, I'd like to introduce Daniel Iyatunguk who is our marine mammal representative from the Village of Shishmaref. Do you want to

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say a few words, Dan?

1

2 MR. IYATUNGUK: The Eskimo Walrus Commission,
 while he -- well, I was just thinking about all of us -- all
 off us coastal villagers or all of the native village people
 who are Eskimos that are along the coastal villages really
 depend on the marine mammals. That is our existence. We
 subsist with that, and sometimes, we get so regulated, you
 know, all kinds of people who like to make regulations to where
 we don't exist any more, but then we will still survive, and
 still go on living as we have lived for all these years. And
 we would hope that no regulations should be changed. And all
 our coastal villagers should not be told how to hunt, when to
 hunt and all that, because we survive solely by knowing when to
 do these things, and what to do with the mammals that we get.

15

16 Thank you, Bill.

17

18 MR. BARR: Yeah. Thank you, Mr. Chairman.
 Thank you, Dick.

20

21 MR. KATCHATAG: Thank you, Iyatunguk. Thank
 you, Mr. Barr. Mr. Pospahala, you can continue.

23

24 MR. POSPAHALA: Okay. Back to the Migratory
 Bird Treaty Act Protocol amendment, as most of you know, when
 the original Migratory Bird Treaty Act was signed in 1916, some
 almost 80 years ago, it provided for a closed season on taking
 almost all migratory birds between March 10th and September
 29 This, of course, is a period when many rural Alaskans
 depend on some use of migratory birds as a part of their
 subsistence lifestyle.

32

33 For many years the difficulties created by that treaty
 have been recognized, and in 1979 the Fish and Wildlife Service
 first took steps to try to amend that treaty to allow a limited
 harvest of migratory birds during that closed season during the
 early spring and through the late summer. Those initial
 efforts were unsuccessful, but over the last several years,
 beginning back as far as about 1984, just before I came to
 Alaska, we started once again to try to generate interest to
 amend that treaty. And much of that early work was done in
 cooperation with the Canadian Government. They've now in the
 last year or so moved forward, and we had at one time issued in
 the last several months a draft environmental impact
 assessment, which would begin as the basis for opening
 negotiations with the Canadians to amend that treaty to provide
 for a limit harvest of migratory birds during the spring and
 summer.

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1 That environmental impact assessment will be issued
2 perhaps in the next week or so. And there is a big meeting, an
3 international meeting in Anchorage. It begins over the
4 weekend, around March 18th, at which time many of the State
5 conservation agencies and their affiliate organizations and a
6 group of people that are -- have been working on a committee
7 that has representation from the Alaska native community, will
8 be providing their comments and recommendations to the U.S.
9 delegation to sit down and begin discussions with the Canadians
10 eventually modify that treaty. At this point in time, I
11 can't say how long that might take, perhaps another year or so.

12
13 One of the things that results from this situation, as
14 many of you know, the harvest of migratory birds during that
15 closed season has continued throughout the period in spite of
16 the fact that the treaty doesn't provide for it. Every year
17 for the last several years the Fish and Wildlife Service has
18 issued an enforcement policy with regard to take of those -- of
19 migratory birds during the spring and summer. Generally what
20 we do have is some discretion with regard to how our law
21 enforcement people deal with that closed season. We worked for
22 many years on the Yukon Delta to work with the native
23 representatives on the Delta to help re-establish populations
24 of four geese that had declined over a long period of time. So
25 we extended particular attention to those birds, and did not
26 devote any enforcement activities to other species.

27
28 Now in the last couple of years two of the eider
29 species that are common -- or were common in Alaska have now
30 become of concern, and in the near future, in this year, for
31 example, we intend to devote a bit more attention to those two
32 eider species.

33
34 Other than that, those six species then will generally
35 be the focus of our attention with regard to any protection of
36 migratory birds.

37
38 And then I think one more important consideration in
39 the material that Sheldon has is the attention that will likely
40 be focused on eggs (ph) as well.

41
42 Those are really the two areas of major emphasis in our
43 law enforcement program.

44
45 MR. KATCHATAG: Yeah. What Mr. Pospahala is
46 referring to is this brochure and the letter which were mailed
47 by the U.S. Fish and Wildlife Service during the third week of
48 February, and I'm not sure how many of you have received those?

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1 MR. BARR: I have received it.

2

3 MR. KATCHATAG: Some have gotten them, and some
4 have not, but there -- in talking with different people since I
5 got my copy, I know that there has been some concern over
6 whether or not the Fish and Wildlife Service would be having
7 enforcement people in the field this coming spring, and I
8 wanted Mr. Pospahala to explain the basis of what enforcement
9 will be there. So if any of you have any questions for
10 Mr. Pospahala, we would entertain them at this time.

11

12 MR. BARR: Mr. Chairman?

13

14 MR. KATCHATAG: Yes, Mr. Barr?

15

16 MR. BARR: Dick, I don't know why we always get
17 the blame up here, and why do we have, you know, open and
18 closed seasons. Migratory birds, you know, they come up here
19 just for a few months at a time, you know, and, you know, they
20 when they migrate back down south, you know, that's where
21 they get slaughtered, I mean, by the -- you know, by the
22 hundred thousands, you know. And why do they have to blame us
23 native people, you know, since we're -- since they come up here
24 and stay only, you know, three or four months out of a year,
25 and then they stay down there a long time. Why don't they --
26 them people take -- you know, why don't we lay regulations down
27 here on the people in the Lower 48, instead of us, laying the
28 law on us, you know, and blaming up for taking the migratory
29 bird? They get slaughtered down there, you know, in the Lower
30 48.

31

32 And, you know, this thing really scared me when I read
33 the other night when I got it over the weekend, you know. I
34 mean, you know, this guy said he's going to go out and, you
35 know, protect where -- when they come up here. I mean, why
36 can't they take care of it down in the Lower 48, you know? I
37 mean, this is wrong I would think, you know, I mean, this is my
38 own judgement, you know, that's what I got from this, and this
39 guy said that he's going to -- Walter Stieglitz, you know, he
40 said he's going to -- you know, he's going to send some people
41 out, like our Mr. Chairman had said, you know, and protect the
42 birds, you know. I mean, why do we get the blame for it? You
43 know, they're just up here just for the purpose to lay eggs,
44 you know, but, you know, we get the blame for it.

45

46 MR. POSPAHALA: Right. I understand that.
47 Generally what we'll be doing this year is -- with regard to
48 the four of the six species is no different than what we've

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been doing in the past several years, in cooperation with the Alaska natives on the Yukon/Kuskokwim Delta. The only major change in the program this year will be some increased attention on eiders. But I think it's fair to say that we're not looking at the type of program that, for example, gave rise to the altercations in Barrow in 1960, and that sort of thing. That's not at all what we're talking about here.

7

8

MR. KATCHEAK: Mr. Chairman?

9

10

MR. POSPAHALA: The other thing

11

12

MR. KATCHEAK: I have a question for you,

MR. Pospahala.

14

15

MR. POSPAHALA: Uh-huh.

16

17

MR. KATCHEAK: There was a recent news that Russians were dumping toxic waste in the ocean somewhere off Russia western coast. They're dumping toxic waste to the ocean, and I'm not sure if anybody heard about it, but it was in the news the other day. A couple of days or three days ago I heard it. And I'm wondering what kind of effect it's going to have on our ocean, specially migratory birds that may go off Russian coast, Siberian coast, and some going up from that sea down. And I'm wondering what kind of effect it's going to have on not only the migratory birds, but sea mammal, because there's this ocean currents, I don't know -- we don't even have a study on the ocean currents I would refer to, but it would seem common sense that if there's going to be an international agreement between Alaska and Russia, or the United States and Russia, that would be some kind of a compromise that -- in that you don't do these things, you know,

33

34

MR. POSPAHALA: Uh-huh.

35

36

MR. KATCHEAK: because you have no place to get rid of it.

38

39

Now, the other thing is going back to this migratory bird, I'd like to see a study made how once the migratory bird leaves the Alaskan coast down to California or somewhere down the coast, what happens to it down there? Does it lay eggs, does it get shot, or harvested? Who does those things? And what kind of lifestyle does it have once it leaves Alaska? Those type of things to make our decisions up here, to -- that will affect us and then later on it's going to affect those people down the coast or on the south end of the continent.

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MR. POSPAHALA: We -- I think you made a couple of very good points there. We have in the last couple of years devoted a considerable effort in our agency to sending people to Russia to work on eiders, because of our interest in those birds, so we hope in the next few years to find out quite a bit more about what's going on with the eiders in Russia.

6

7 During the time that we've had these more restrictive enforcement policies in regard to the goose population, they were generally not harvested in any great numbers in their -- on their wintering areas in California and Mexico. There have been either closed seasons or very restrictive regulations. As we have liberalized the hunting regulations on those birds in the Lower 48, those actions have been taken only after consultation and discussions with the AVCP Waterfowl Conservation Committee on the Y-K Delta. So we're not doing these things by ourselves unilaterally.

17

18 Mr. Barr referred earlier to some of the injustices that are contained in the treaty, the closed season. Certainly many of us can appreciate what you're saying, and that's why we have over a period of time devoted so much effort to try and get that treaty changed. I myself have gone back and read the Congressional records that took place in 1913 when they first established that treaty. The plight of the Alaskan Eskimos was laid out in that record, and why in the world that treaty did not reflect those needs when it was finally signed into law in 1916, I can't tell you. But we're working right now to correct some of that after all these years, and I'll hope that we'll be successful.

30

31 MR. KATCHATAG: Yes, Roy.

32

33 MR. OTTON: I guess there are two ways you can look at it. You've got the people that made the rule over -- the white interest hunters or the sportsmen that -- where they go vacation for the winter.

37

38 MR. POSPAHALA: Uh-huh.

39

40 MR. OTTON: And there's a perspective on our part, the birds come to our land to make babies, but because of this law, we can't hunt them, except for just one or two weeks in September. Now, clearly this law is not favorable to us hunters where we've got two points of view on how to look at this. The birds go to the Lower 48 to grow, to fatten up before they come back spring, before we can hunt them.

47

48 MR. POSPAHALA: Uh-huh.

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1 MR. OTTON: And then there's the other part,
 2 this law says we can't hunt them as -- March 31st/September 1,
 3 where it's legal for us to shoot them. That -- this law does
 4 not help us.

5
 6 MR. POSPAHALA: That's correct. If our efforts
 7 to get that treaty amended are successful, then there would be
 8 a provision for a legal limited regulated harvest of birds in
 9 the spring and summer when you typically take them. So that's
 10 really the goal of our effort is to provide for that -- for
 11 that traditional harvest. And I think a lot of us feel that we
 12 might be successful this time around.

13
 14 MR. KATCHATAG: Yeah, Mr. Pospahala, I have a
 15 number of questions and comments that I've been jotting down as
 16 you and members of the Council have been talking. First of
 17 all, with regard to the Marine -- excuse me, the Migratory Bird
 18 Treaty Act, what is the process for an amendment, and is it
 19 something that we can kick off here?

20
 21 MR. POSPAHALA: I don't think that you do need
 22 to do anything. There's been fairly extensive involvement
 23 first through a committee that was established through
 24 RURALCAP, and, let's see, I don't know

25
 26 MR. OTTON: Myron Enning?

27
 28 MR. POSPAHALA: Pardon?

29
 30 MR. OTTON: Myron Enning and

31
 32 MR. POSPAHALA: Well, Myron -- yeah, Myron and
 33 Charlie Brower. I'm not sure -- in the past when I dealt with
 34 these things, Matthew Iyo was the representative that I worked
 35 with a lot. Of course, that might have possibly

36
 37 MR. KATCHATAG: Is this process in the works
 38 already?

39
 40 MR. POSPAHALA: Yes, it is. I think they
 41 intend to try to begin to sit down with the Canadians and enter
 42 formal negotiations for modification of that treaty certainly
 43 by this fall, and perhaps by this summer.

44
 45 MR. KATCHATAG: Okay. Yeah, the

46
 47 MR. POSPAHALA: So it's moving along pretty
 48 well. And you do have -- there are Alaskan native consultants

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that will be working with that negotiating committee. They've already been assigned. Charlie Johnson is going, I think Dale Ermialli (ph), and I think Myron and Charlie might -- all four of them might be on the

4

5 MS. MUKTOYUK: When is that, this fall? You
6 said this fall?

7

8 MR. POSPAHALA: Well, they did -- had done some
9 work this last fall, but they'll be beginning those efforts
10 again after this meeting in Anchorage in the middle of March,
11 \$b

12

13 MR. OTTON: You just got done mentioning
14 Charlie Johnson. We've met with him last week or so, and --
15 concerning this migratory birds. You mentioned Myron Enning
16 and Charlie Brower.

17

18 MR. POSPAHALA: Uh-huh.

19

20 MR. OTTON: I guess the feeling what Charlie
21 had gotten was that Myron and Charlie are doing a good job
22 toward the end of looking out for the native interest in the
23 migratory birds, so I guess for our region we're looking after
24 or looking at Myron and Charlie Brower fighting for

25

26 MR. POSPAHALA: I've seen most of the material
27 that they've prepared, and it -- you know, it would appear to
28 me that they're representing your interests very well.

29

30 MR. OTTON: Uh-huh.

31

32 MR. KATCHATAG: The next question that I have
33 regarding the Migratory Bird Treaty Act is who are the parties
34 to this agreement?

35

36 MR. POSPAHALA: I'm sorry, what

37

38 MR. KATCHATAG: Who are the parties to the
39 Migratory Bird Treaty Act?

40

41 MR. POSPAHALA: Okay. Well, what will have to
42 be done there is that there's an international treaty between
43 the United States and at that time Great Britain acting on
44 behalf of Canada, so the treaty or actually the agreement to
45 modify that treaty will have to be approved by the United
46 States and by the Canadian governments. So that will be just
47 like they normally do in treaty negotiation, where they sit
48 down and

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1 MR. KATCHATAG: Those are the only two parties
2 to the agreement?

3
4 MR. POSPAHALA: As far as I know that's the
5 base that we have.

6
7 MR. KATCHATAG: What I'm wondering is why in
8 the years that have past since this particular Act was passed
9 in 1916, I know that the Fish and Wildlife Service knows that
10 the migratory birds don't migrate just between Canada and the
11 United States, that it's -- I'm leading up to the question of
12 why Siberia and Mexico are not also included? Or is that in
13 the works?

14
15 MR. POSPAHALA: Well, it turns out that, you
16 know, there are three other international treaties that relate
17 to migratory birds. There's one with the Soviet -- former
18 Soviet Union, there's one with Mexico and there's one with
19 Japan. Some of those nations have indicated that they are not
20 particularly interested in going back and renegotiating those
21 treaties. If we were to begin to do that, it would take much
22 longer to get a law in place, for example, that allows
23 subsistence hunting during the present closed season. So our
24 view has always been that the Canadian treaty was the first and
25 most important one to be modified, and once that treaty was
26 changed, we'd be able to go ahead and allow this to take place,
27 and I think most of us that have thought about this in the past
28 realize that it would be very difficult to try to get all four
29 of those treaties changed at one time. I think we're probably
30 going to be better off trying to just deal with the Canadian
31 treaty.

32
33 MR. KATCHATAG: Okay. That brings the next
34 question. You say that the process has already started. My
35 question is do you have any documentation showing the present
36 status and the past negotiations on the amendment process to
37 the Migratory Bird Treaty? In other words, what are they
38 proposing in their amendments? Are they proposing to allow us
39 to hunt in the spring, or are they proposing that your
40 sustained, you know, the total allowable catch includes
41 something in there that accounts for our particular catch? Or
42 what is the nature of the amendment?

43
44 MR. POSPAHALA: I don't know that much about
45 the specifics of what's contained in the environmental
46 assessment now, but I can certainly get that

47
48 MR. OTTON: Maybe I can read it to you.

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"Further discussions brought to draft an environmental assessment. U.S. Fish and Wildlife has indicated nonracial qualifications similar to United States/Soviet treaty, but the definition of indigenous peoples in that treaty may provide greater privilege for natives than non natives, which the State of Alaska cannot support."

6

7

MR. POSPAHALA: Uh-huh.

8

9

MR. OTTON: We always come down to a problem with the State of Alaska, you know, where -- when we're looking after our rights. And

12

13

MR. POSPAHALA: Those are -- those are apparently State of Alaska comments on the draft environmental impact statement.

16

17

MR. KATCHEAK: Mr. Pospahala, would it be too much problem if I ask for information that you provide us that whose interest and what parties are involved in limited hunts and limited harvest in -- down the coast like in Mexico and who's doing the hunting and what are they doing down there? It seems like we need to impose some kind of rules down there, when -- because they're imposing rules on us up here. So it's kind of give and take situation.

25

26

MR. POSPAHALA: Okay. If I could get away with this, I think the best way to do this would be to have one or more of our migratory bird people come to your Council meeting, actually the fall meeting. Your next fall meeting would be the best one. I guess that would be the next meeting, full meeting of the Council as well, but I can commit to having one or more of our migratory bird staff with regards to this Council at your next meeting, and they could lay -- lay it all out for you in considerable detail with regard to what's done in the Lower 48 where birds that are typically associated with this part of Alaska are taken in the Lower 48.

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38

MR. KATCHATAG: Yeah. That brings up the next

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41

MR. LOCKWOOD: Sheldon?

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MR. KATCHATAG: Yes, George?

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MR. LOCKWOOD: May I say something here?

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MR. KATCHATAG: Sure.

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MR. LOCKWOOD: According to this -- on this book here, on page six,

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3

MR. POSPAHALA: Uh-huh.

4

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MR. LOCKWOOD: on subsistence taking of marine mammals and migratory birds, as it read already, "these regulations do not apply to the subsistence taking of marine mammals or migratory birds. The taking of these species is regulated by the Marine Mammal Protection Act and Migratory Birds Treaty Act respectively. For information on marine mammals contact U.S. Fish and Wildlife Service." It seems to me are we -- if that's -- this marine mammals, for our seals, walrus, belugas and what not, that one of our main source of subsistence. And then I never see much of regulations and whatever with Wildlife Service. I think that for our own protection to using these things, it should be written just in case things that always come up and make it hard for you to go out hunting. I think it should be a written thing on these, what we use for our subsistence, before we make rules and regulations like this book. It would help us a lot. That's all.

22

23

MR. KATCHATAG: Thank you, George. The question that I have, you know, he's read this disclaimer on page six saying that the regulations which we operate under do not cover marine mammals and migratory birds, but at our meeting in October I stated that regardless of how the Federal Government or the State Government is trying to divide up our livelihood, which is our -- which is subsistence, the majority of the food and protein requirements of Bush people in Alaska is from subsistence, and it doesn't make sense to me to say, okay, you can regulate subsistence, except for this, except for that, and except for that," when we look up upon it as an entire ecosystem, of which we are a part.

35

36

MR. POSPAHALA: Uh-huh.

37

38

MR. KATCHATAG: So having said that, my question is for our next meeting of the Council, I would like some statistics from your migratory bird staff regarding the populations or estimates of bird -- migratory bird populations as they leave here, the estimates on mortality for whatever seasons once they leave the State, the number of hunting licenses that are sold for migratory birds, the number of duck traps. These are, to my understanding, pretty representative of the hunting pressure that is exerted on these birds once they leave Alaska, so I would ask on behalf of the Council, if there are no dissents to this, that for our next meeting that

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we have all these statistics for our next meeting so that we have them.

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MR. POSPAHALA: No problem. It will be done.

4

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MR. KATCHATAG: I appreciate that.

6

7

MR. POSPAHALA: Sure.

8

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MR. KATCHATAG: This will give us -- you know, that's one thing that I've been trying to impress on not only the Federal Subsistence management regime, but also the State, is the fact that you cannot effectively manage any resources and have what, for want of a better term, if you have black boxes in there. With variable black boxes. In other words, if these three each take 100 birds apiece and I take 1,000, but you don't know it, and these people take 100 birds apiece, to your knowledge, there's only 600 birds being taken.

18

19

MR. POSPAHALA: That's correct.

20

21

MR. KATCHATAG: And if there's only 3,000 birds, then you're looking at one-fifth of the population being taken by these people, but I'm taking a third, and you don't know about it.

25

26

MR. POSPAHALA: Right.

27

28

MR. KATCHATAG: What I'm saying here is that in order to properly manage a resource, you have to have all the parts of the equation in place. So that's the basis for my request that we have these statistics available for our next meeting, and I would appreciate that.

33

34

MR. POSPAHALA: Yeah, that's fine. This actually comes at a good time, because our people are in the process of trying to pull all of this stuff together now in relation to this -- to the treaty change, and so that would be fine.

39

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MR. KATCHATAG: That's great.

41

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MR. POSPAHALA: Uh-huh.

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MR. KATCHATAG: Any other questions or comments on migratory birds?

46

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MR. OTTON: Not migratory birds.

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1 MR. KATCHATAG: Do you have any more comment?
2
3 MR. OTTON: I've got something else.
4
5 MR. KATCHATAG: Is it in
6
7 MS. MUKTOYUK: I've got some
8
9 MR. KATCHATAG: relation to migratory
10 birds? Yes, Loretta?
11
12 MS. MUKTOYUK: I'd like to make a comment that
13 the statistics should be not coming just from Alaska, but it
14 also should be coming from the Lower 48, Canada, Mexico and
15 Siberia, so that it shows what the four countries are taking
16 annually, and not just native people, 'cause too often the
17 Government, it doesn't matter what kind of government we're
18 under, us native people, we're always being pointed out for
19 things that do go wrong, and it's not right, and it needs to be
20 fixed somehow.
21
22 MR. POSPAHALA: Yeah. Our knowledge of the
23 harvest, for example, in Mexico and Russia are not very good.
24 We have some information on brant which are of particular
25 interest to us in Mexico in the past several years, but for
26 most species of migratory birds, there's only very limited
27 information available from Mexico or Russia. We know quite a
28 bit more about what's done in the Lower 48. We know, I think,
29 a fair amount about what goes on in Canada. And we have
30 recently been trying to get more information about the levels
31 of typical subsistence harvest levels that take place in Alaska
32 with the -- so I can't guarantee you very much information from
33 Canada or Russia -- or from Mexico and Russia.
34
35 MR. KATCHATAG: Do you have information as far
36 as when they make estimates? When they do their surveys?
37
38 MR. POSPAHALA: Sure. Uh-huh.
39
40 MR. KATCHATAG: Yeah, I'd like that included in
41 the information.
42
43 MR. POSPAHALA: Uh-huh. I'll ask that we have,
44 sort of a standard -- standard format that we can use to put
45 this together and it may take one hour or an hour and a half,
46 but I'll make sure that most of this is covered. And we'll
47 have people here that can answer -- either answer all your
48 questions, or tell you that the information doesn't exist.
49
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MR. KATCHATAG: Okay. Great. Any other comments or questions for Mr. Pospahala regarding migratory birds? Hearing none, -- oh, just a minute. Albert?

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MR. NINGEOLOOK: Mr. Chairman, can the

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MR. KATCHATAG: Yes. Sure.

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MR. NINGEOLOOK: public ask him some questions?

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MR. KATCHATAG: Sure.

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MR. NINGEOLOOK: And that is a question sort of regards to the migratory birds, and one of the things that impressed me concerning the Migratory Act in the first place is the fact that are we also concerned about the food source that the migratory birds? And I think we need to look at looking at the different organizations said pertaining to the land also, so that -- because the berries that the ducks eat in the fall come that they primarily come up here for I think, to my personal knowledge, if all the tundra and whatever is eroded away, or is taken away from the land, the birds will come up there no more, so what's the use of all the regulations if they don't come up here no more, so we need to look at all the information or whatever pertaining to the land also, to save the birds themselves. And also the flora and fauna that I was referring to.

28

29

And also the other organizations (indiscernible, door closing loudly) and recently referred to about the wolf taking, or these people down in the U.S. 48 really had a heart attack (ph) about the wolves being taken up here. This other people like the Audobon or even Greenpeace or whatever coming to say something about our subsistence way of life, (indiscernible).

35

36

And I'd like to also reiterate Mr. Katcheak's concern about the studies of ocean currents. And personally I'm very interested about that, because with the oil development and whatever, of these countries really affecting the migratory birds. So I'm really interested in all these prospective questions that the Board members have given earlier, also the Chairperson's comments and questions. Thank you.

43

44

MR. KATCHATAG: Thank you, Mr. Ningeolook. Now, for the record that was Albert Ningeolook, last name is spelled N-i-n-g-e-u-l-o-o-k. Is that correct? Thank you, Albert.

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You had a question?

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MR. OTTON: Well, you talked a little bit about polar bears a while ago. If I remember right, the U.S. Fish and Wildlife and the State of Russia or whoever the honcho is in Russia, were attempting to work out an international polar bear agreement without input of the native community. And I guess due to some native lobbying, they got -- you guys got your act straight or something like that.

9

10

MR. POSPAHALA: We're doing a lot better.

11

12

MR. OTTON: Yeah. I do know Caleb Kongowi and Charlie Johnson went to Russia to meet with the natives over there. In our last Kawerak Subsistence Board meeting, there was a recommendation made that the six communities in our region that hunt polar bear to form. So I guess Shishmaref was stated as one of the polar bear communities. So I think the people of Shishmaref would be interested in that.

19

20

And I know you talked a little bit about marine mammals. I know Sheldon had talked to you about -- or put in the agenda to have Marine Mammal Protection Act somewhere down the agenda. If you look at C, I've got a Marine Mammal Commission report to return, Koyuk, Shaktoolik, and Elim. I was wondering at this time, I've got a draft proposal in our Commission. Would the staff be sufficient enough for me to hand it over to the staff or to him personally? Personally I would like to do it to you personally. I've got some draft regulations from the Native Village of Koyuk, Shaktoolik and Elim, and I would like to put the Federal Subsistence Board on notice that the Native Village of Koyuk, Shaktoolik and Elim has drafted, it's in a draft form, a joint tribal ordinance for the native village Koyuk, Shaktoolik -- Elim, Shaktoolik and Koyuk governing the taking of marine mammals. I would like to give this to you so that we have it on record of what the three native villages are doing.

37

38

MR. POSPAHALA: Yeah, that's fine. You know what will happen to this though is that the Board -- excuse me. Thank you. -- will pass these on to Fish and Wildlife Service at the National Marine Fisheries Service, because they actually have the management jurisdiction for those species, so we can do that. The Federal Subsistence Board will not be taking action on this directly, so as long as we understand that, it's

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MR. OTTON: Fine. Thanks.

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MR. KATCHATAG: You know, that brings us I think to the original B, since we are talking about polar bears and you are here and I would like a little update from the Fish and Wildlife Service regarding our resolution 93-01 which was an objection to the polar bear treaty. Since we're in that vein right now, we might as well take care of that particular bit of business now.

MR. POSPAHALA: I'm going to have to plead ignorance about the -- with regard to the resolution. I haven't

MR. KATCHATAG: Okay. It was a regulation which the SPSRAC passed at our last meeting at the request of Kawerak. I don't know if I have a copy of the minutes, but

MR. POSPAHALA: Was it objecting to the unilateral agreement?

MR. KATCHATAG: Yeah.

MR. POSPAHALA: Well, as Roy so clearly pointed out, we've -- we decided that we were moving a little too fast on that whole program, and that we did need considerably more direct involvement with the native community both in Alaska and Russia. And so all of that now has been placed on hold, and there will be, as I said earlier, now a four-party international polar bear agreement that will have signatures by representatives of the Alaska native community and the Federal Government in Alaska, and the same thing in Russia, so

MR. KATCHATAG: And this is -- is this also with Canada? Or is it just with Russia?

MR. POSPAHALA: I'm not aware that it does involve Canada at this time.

MR. OTTON: There is an agreement between the Buligik Game Council and the North Slope Borough concerning the Beaufort Sea stocks.

MR. POSPAHALA: Right.

MR. KATCHATAG: You mentioned something about the Alaska Polar Bear Commission. Is that in the process of being formed?

MR. POSPAHALA: That will be formed as a part

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of this international cooperative agreement. That's what Mr. Shlevi (ph) told me on the phone yesterday morning, you know, that

3
4 MR. KATCHATAG: Yeah.

5
6 MR. POSPAHALA: you know, that forum, that sort of forum seems to work out very well for providing for an adequate appropriate native involvement in these things, and that -- was to doing this.

10
11 MR. OTTON: Yeah.

12
13 MR. POSPAHALA: And so we

14
15 MR. OTTON: Like I stated, for the six villages in our region that hunt polar bear, there is a recommendation from the Kawerak Subsistence Committee to form a polar bear commission.

19
20 MR. POSPAHALA: Uh-huh.

21
22 MR. OTTON: A native polar bear commission.

23
24 MR. POSPAHALA: Right. That's what this would be.

26
27 MR. OTTON: Uh-huh.

28
29 MR. KATCHATAG: Any questions regarding the polar bear treaty? Council members? About the resolution? General public? Hearing none, that takes care of item -- the original Item B, so that we're knocking off birds here right and left. And they're not migratory birds by the way.

34
35 Okay. Any other questions or -- directed for
36. Pospahala?

37
38 After further review, the original item that we had originally changed to be Item C, seeing as how the other Councils are also interested in that particular item, I would entertain a motion to table that item until the chairs can meet with the Federal Subsistence Board and staff regarding that.

43
44 MR. OTTON: Say what?

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46 MR. KATCHATAG: I would entertain a motion to table Item C, the Council/Agency communications, items one through four. Table to the meeting between the Federal

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Subsistence Board and the regional council chairs.

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MR. OTTON: It's got to sink in.

3

4

MR. KATCHATAG: Does the Council understand what I'm trying to do? This Item C here, Council and Agency Communications, I am requesting a motion that this item be tabled until such time as we can discuss that between the other regional council chairs and the Federal Subsistence Board at our meeting in April.

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11

MR. BARR: So move, Mr. Chairman.

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MR. KATCHATAG: We have a motion on the floor. Do I hear a second?

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MR. LOCKWOOD: Second.

17

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MR. KATCHATAG: Seconded by George Lockwood, is that correct?

20

21

MR. LOCKWOOD: Yeah.

22

23

MR. KATCHATAG: Okay. Discussion?

24

25

MR. BARR: Question.

26

27

MR. KATCHATAG: The question's been called. All those in favor of tabling Item C, Council/Agency Communication, signify by saying "aye"?

30

31

ALL: Aye.

32

33

MR. KATCHATAG: All opposed, "nay"? The motion carries. Item C is tabled until such time as we can discuss this among the council chairs and also with the Federal Subsistence Board in April.

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38

Any other comments or questions for Mr. Pospahala? Yes, Mr. Iyatunguk?

40

41

MR. IYATUNGUK: Yeah. Mr. Chairman, I'd like to give thanks for him for coming here, but I'd rather have somebody that has more time to stay in the village, to attend the whole meeting than just to send someone that has just a couple hours to stay in the village, because our meetings are so important for us to just have a meeting without anybody knowing what the problems is -- so one of the problems is him being here just for a couple hours and not staying, you

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know. We're going to try to looking at that part of it.

1

2 MR. POSPAHALA: Well, I appreciate that, but
when I left yesterday, it was with the understanding that we
were going to meet yesterday. And so I went ahead and made
these other arrangements. I can't -- I certainly agree with
you, because it is not good to come here for a short time in
the meeting, and normally I'd try to schedule my time so that I
can attend the entire meeting. And it's just unfortunate that
the schedule got changed here.

10

11 MR. KATCHATAG: Yeah, that's one of the things
that I can take the blame for, because I didn't realize that
the Point Hope Dancers were here, and I didn't realize that
Mr. Pospahala had scheduled his time around our changes. Our
original meeting was scheduled for the first and second, and in
the interest of accommodating the vice chair, he has other
meetings to attend in Anchorage later this week, we were trying
to jockey the schedule so that he could attend the full session
of our Council here, and then also still be able to make those
other meetings, so we had thought that we were going to meet
last night, and Mr. Pospahala was informed of that, so I take
the blame for that.

23

24 MR. POSPAHALA: Well, I think you deserve my
full attention and attendance as well, and I would normally
conduct my business that way, so I apologize, too.

27

28 MR. KATCHATAG: Appreciate that. Any other
comments or questions for Mr. Pospahala? Yes, Mr. Obruk?

30

31 MR. OBRUK: Yeah, with regard to migratory
birds, that when they're doing the study through the summer,
you know, that at times these aircraft that they're using, that
they're flying too low, and then while we're hunting for other
game, you know, that they tend to scare away those games that
we are trying to take, you know, by foot. And that's kind of I
would say put a hardship on any hunter that went from our
village, you know. My name is Tommy About for the record. I
think that use of aircraft should be looked into, too, by all
the agencies that are doing any kind of studies within the
refuge, you know, because summer season is very short in which
we try to gather everything towards winter, especially if we
have large family, and the price of goods that we could get
from our native store are hard to (indiscernible, coughing) for
us to get, and then we mostly depend on the subsistence, you
know, kind of as the main food. And to me I guess the use of
aircraft in any kind of study in the short summer months, if
they have to use I think they should be flying high, you know,

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in which they would not scare other games that our hunters
going after.

2

3 MR. KATCHATAG: Thank you, Mr. Obruk. For the
4 record, that was Mr. Tommy Obruk of Shishmaref.

5

6 Any other comments or questions for Mr. Pospahala?
7 Hearing none, on behalf of the Council, I would like to thank
8 Mr. Pospahala for attending our meeting, and being so
9 responsive to our comments and questions.

10

11 One last thing that I would like to impress on
12 Mr. Pospahala, I hope he's gotten some feel for the difficulty
13 of life in what they call rural Alaska. It might be rural
14 Alaska to you, but it's home to these people here, and I as an
15 Inupiat person, even though I relate to them as people, and by
16 the way I'm related by blood to some of them. I just married a
17 girl whose mother was originally from here, Arella Brown. I
18 married one of her twins, Darlene, so I am related to them.
19 But still, as an Inupiat person, I just want to impress on
20 Mr. Pospahala that even though I have some general knowledge of
21 the difficulty of their life here in Shishmaref, there -- by no
22 stretch of any imagination on my part do I know how difficult
23 it is for them to live here. And I would hope that you have
24 gotten a feel for the fact that they do so without running
25 water. They go from five to seven miles to get ice in the
26 wintertime and water in the summertime. They hunt both
27 directions, both on the ocean and up on the land. And I don't
28 know if you know -- you've been into any houses here or not
29 while you are here, but a lot of them use wood to heat their
30 houses in addition to oil, and I don't think you see a tree for
31 miles, so you know that they are dependent on driftwood. So I
32 would hope that you have gotten some feel for the difficulty of
33 surviving out here. And I hope you would have some
34 understanding of my position as chair here that my focus or my
35 thrust is to reduce the regulatory burden that these people
36 have to operate under, as they're just trying to stay alive.
37 And if the Federal subsistence management system, or if the
38 State subsistence management system imposes too many
39 regulations, then their attitude is, "Well, I've got to go get
40 wood, or, "Well, I've got to go do my hunting," you know, and
41 regulations be damned. So I would hope that you appreciate the
42 difficulty of living out here, and I appreciate you're taking
43 the time to meet with us and come to some understanding or
44 where we're coming from.

45

46 MR. POSPAHALA: Well, I think I understand, and
47 really appreciate your comment.

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MR. KATCHATAG: Thank you, Mr. Pospahala. Moving on, we now -- we have looked at Item A, which is the Marine Mammal Protection Act, Item B, the Migratory Birds. We have tabled Item C. So we have also taken care of the original Item B.

5
6 So we're now back to our original schedule of 7A, which is a draft proposal for the tribal subsistence management. Where's my copy? Papers, papers. Did you get a copy of this, Mr. Pospahala, the tribal subsistence management cover letter and?

11
12 MR. POSPAHALA: Mr. Lockhart has it. I hadn't seen it before I got here.

14
15 MR. KATCHATAG: Okay. Yeah, this is in relation to the draft proposal, which we passed at our last meeting in Nome, and this was the original draft proposal that we had drawn up at that meeting. I reserved the right as the maker of that draft proposal to flesh it out properly, and this is the result, this document here which has a cover letter dated October 25, 1993, and a letter to all the village councils in the Seward Peninsula.

23
24 It's more or less a -- as maker of the motion, this is my fleshed out proposal regarding the role of tribal governments and tribal members in relation to subsistence, which is what our Council is here to advise the Federal Subsistence Board on the management of. And I think this is the basis for any of the problems that we might have had in communication. I would appreciate your taking the time to read this proposal and try to understand where we're coming from with regard to this.

33
34 Basically what this proposal states is that as indigenous people of this region, we have roots that go back thousands of years. And the United States is a fairly recent occupation for us, if you will, which is now in the process of trying to impose its regulations on our customary and traditional subsistence.

40
41 I would hope that you would read this with an open mind, and with an idea -- with the idea that what we're trying to do here is to develop a cooperative relationship between the tribal governments and their membership and the Federal Government. And the basic thrust of this is that as one party to a government-to-government relationship, the Federal Government, to my way of thinking, is not proper in unilaterally imposing its regulations on the take of indigenous

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resources on the indigenous people. And this seeks to put in place a plan whereby the tribal governments are responsible for the management and reporting of harvests by tribal memberships, so that we continue to operate under our customs and traditions with regard to how we interact with our resources.

5

6 This plan or management guidelines basically state that this is more or less a reaffirmation of tribal governments and the relationship they supposedly enjoy with the Federal Government, and that any two parties in such a relationship ought to respect each other enough so that there is this relationship, that the Federal Government as one party to the government-to-government relationship should not see itself as being able to impose its regulations on the other party which is -- which are the other tribal governments. And this is the basis of what I understand as being my rights as a tribal member, that my customs and traditions, which have been handed down orally by my elders, my parents, and by other members of the community, that in order to properly manage subsistence, we should not have to develop a complete set of regulations. In other words, we would be compounding the paperwork not only of ourselves, but also the subsistence user.

22

23 It is my contention that as tribal people with roots going back thousands of years in this region, and your own archaeologists have documented our existence here, that we should be able to practice our customs and traditions as tribal people without interference. We have mechanisms in place within our tribes that are unwritten, but that technically serve with the strength of law among our people. And I would hope that you would take the time to read and understand this proposal, and hopefully we can cooperate to make it work.

32

33 The idea being in all of this that getting back to the equation which I mentioned earlier, if in fact you wish to properly manage our indigenous resources, that you must make sure that you have no black boxes with unknown variables in there. And from personal experience, I would say that the subsistence take of any and all resources by tribal members living in the villages is totally undocumented, and that in order for you to get a handle on the take of any and all resources, that I would recommend that you come to some government-to-government relationship with each tribal government so that the individual tribal member documents or reports his subsistence take of any and all resources to his tribal government, and that tribal government then can work with you on making sure your equation is complete so that we have as close to the best possible information as far as any take on the resources.

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1 And I would hope that eventually the Federal
2 Subsistence Board as it now stands will see the light of this
3 and know that we're coming at this with the idea of making sure
4 that our management equation has no black boxes.

5

6 So we're probably going to -- or I'm going to ask for a
7 review of this by all the Council members over lunch, and that
8 we will probably -- I'll be entertaining a motion to adopt this
9 draft proposal to a tribal management proposal, to where it's
10 not a draft any more, but an accepted proposal for the tribal
11 management of subsistence.

12

13 So do you have any comments or questions, or would you
14 reserve that for a future time?

15

16 MR. POSPAHALA: Well, any detailed comments
17 would be -- would best be made after I read that -- after I
18 read the document I think, but the comment that you made with
19 regard to the harvest monitoring and things of that sort I
20 think are very much right on target, and we are currently
21 working with several of the native regional corporations and
22 councils, perhaps some tribal governments as well, to go into
23 their member villages and conduct their own surveys of
24 subsistence uses, which I think are going to serve us very well
25 this program. And we're interested in expanding that at
26 this time. It seems to be very much in concert with some of
27 the things that you have expressed interest in in this
28 document, so I think we have a lot to look forward to working
29 together.

30

31 MR. KATCHATAG: Great. Any other comments or
32 questions on the draft federal subsistence management proposal?
33 Hearing none, I would like to recess for lunch until 1:30.

34

35 (Off record)

11:49 A.M.

36

37 (On record)

1:37 P.M.

38

39 MR. KATCHATAG: Seeing as how all the Council
40 back, I'll call this session back to order at 1:37. We're
41 still on seven, "Old Business". Moving on to Item A, Draft
42 Proposal Tribal Subsistence Management. I'm not sure how many
43 of you had a chance to review this, but while Mr. Pospahala was
44 here, I pretty much explained the general thrust of the whole
45 draft proposal, and that is basically that tribal governments
46 are the only governments who have the right to regulate or
47 manage the subsistence of tribal people. I know there are
48 different people that might have objection to that, but that is

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the basic thrust of that proposal.

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2 At this time I would like to update. The draft
 proposal as originally passed was this sheet of paper here.
 And it's listed at the bottom of the court transcripts that
 were handed out earlier. And as maker of the motion, I
 reserved the right to take that rough draft and flesh it out,
 and this is what I ended up with. And that was sent out to all
 the tribal governments, including Shishmaref, during the week
 of October 25th, 1993.

10

11 This tribal management -- subsistence management
 proposal begins on page six, and to give you a little
 background on it, I'll read a few of the pertinent excerpts
 from this. Beginning on page six, it says:

15

16 These guidelines are to be consistent with, "...the
 policy of Congress that:

18

19 One, consistent with sound management principles, and
 the conservation of healthy populations of fish and wildlife;
 21. with management of fish and wildlife in accordance with
 22. recognized scientific principles ...the purpose of this title
 23 to provide for rural residents engaged in the subsistence
 way of life to do so. And this is from Section 802(1) of
 ANILCA.

26

27 Number two, nonwasteful subsistence uses of fish and
 wildlife and other renewable resources shall be the priority
 consumptive uses of all such resources on the public lands of
 Alaska. And that's from Section 802(2).

31

32 Three, ...Federal land managing agencies, in the
 managing -- in managing subsistence activities on the public
 lands and in protecting the continued viability of all wild
 renewable resources in Alaska, shall cooperate with ...other
 nations. {Section 802(3)}"

37

38 The draft proposal adopted by the Council is included,
 and that's this document here, and I, as Chairman and maker of
 the draft proposal, would clarify that first rough draft as
 follows: And then it says, Draft Proposal, Tribal Subsistence
 Economy Management. It gets into the government-to-government
 relationship between the Federal Government and tribal
 governments, customary and traditional use of natural
 resources. Well, just for clarity's sake, I'd better read
 this.

47

48 WHEREAS, SPSRAC recognizes and reaffirms the

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"government-to-government" relationship between the United States of America and the tribal governments of our region, as recognized in the Federal Register, and

WHEREAS, SPSRAC seeks to reaffirm and strengthen the tribal rights of the tribal memberships within our region to customary and traditional use of the natural resources in our region, i.e. subsistence economies, and

WHEREAS, tribal subsistence economy is defined as the production, distribution, and consumption of goods based on the nonwasteful harvest of indigenous renewable resources by the tribal membership, and

WHEREAS, SPSRAC seeks to develop a regional subsistence economic management plan which recognizes the tribal governmental responsibilities to protect these subsistence economic rights, to regulate the subsistence economies based on the region's renewable natural resources by their memberships;

NOW THEREFORE SPSRAC adopts this draft proposal:

To develop a federal subsistence management/management/or cooperative agreement among the Federal Subsistence Board, the Seward Peninsula Subsistence Regional Advisory Council, and the tribal governments of our region which provides guidelines for the tribal management of subsistence economies of their respective memberships.

To remove the regulatory licensing, permitting, tagging requirements and fees for the individual, indigenous tribal subsistence user by the recognition of his or her inherent tribal rights to customarily and traditionally use indigenous resources.

To develop a process and means for the collection of tribal membership subsistence harvest data by the tribal governments for accurate, relevant and timely data, for consistency of data collection for all agencies, by the provision of state-of-the-art, complete computer systems to all regional tribal governments for the collection and compilation of the subsistence harvest data, and, by so doing, minimize bureaucracy creation.

To spread the costs of the computing systems among all the agencies which are required to collect and report subsistence harvest data, and to take the costs of the computer systems -- or to take the costs of the computer systems from funds appropriated to the Department of the Interior for

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reasonable costs relating to the establishment and operation of the regional advisory councils ..." {Section 805(e)(1)}.

2

3 To ensure accurate and timely collection of subsistence
4 harvest data by having in the guidelines, and/or management/
5 co-management/or cooperative agreements, a mutually agreed upon
6 periodic data collection and reporting time frame, which could
7 be weekly, monthly, or quarterly.

8

9 Then it goes on into the guidelines for the tribal
10 subsistence economy management:

11

12 WHEREAS, SPSRAC recognizes, respects and reaffirms the
13 rights and responsibilities of tribal governments to protect,
14 and manage the exercise of, the inherent indigenous rights of
15 their respective memberships to customary and traditional use
16 of our region's renewable resources, and

17

18 WHEREAS, SPSRAC seeks to develop a regional subsistence
19 management plan which recognizes, respects and reaffirms the
20 rights and responsibilities of tribes and their tribal
21 governments to manage the subsistence economies of their
22 respective memberships, and

23

24 WHEREAS SPSRAC, in developing regional management/
25 co-management/cooperative agreements with the tribal
26 governments, recognizes and respects the customary and
27 traditional methods and means used in regulating and managing
28 the subsistence economies of their respective tribal
29 memberships,

30

31 NOW THEREFORE, SPSRAC proposes the following draft
32 guidelines recommended for all the region's tribes to use in
33 the management of the subsistence economies of their respective
34 tribal memberships:

35

36 Draft Proposed Guidelines, Tribal Subsistence Economics
37 Economies Management:

38

39 SPSRAC recognizes and respects the customary and
40 additional methods and means of tribal self-management and
41 regulation of the customary and traditional use of indigenous
42 renewable resources, i.e., subsistence economy, of tribal
43 membership.

44

45 SPSRAC recognizes and reaffirms that these unwritten
46 tribal subsistence economic self-management and regulatory
47 practices have worked and do continue to work, as evidenced by
48 the de facto survival of viable renewable resources down

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through the ages.

1

2 SPSRAC recommends -- respectfully recommends that the
3 tribes continue, in the customary and traditional ways, to
4 teach and pass on to each succeeding generation the customs and
5 traditions which have proven effectiveness in the individual
6 and collective tribal self-regulation and management of their
7 respective subsistence economies.

8

9 SPSRAC respectfully recommends that the tribes, in
10 their customary and traditional self-regulation and management
11 of their tribal subsistence economies, continue to do so within
12 the following: ...

13

14 What happened there? I see page nine got compressed
15 slightly.

16

17 MS. ARMSTRONG: Yeah, there's page eight and
18 nine together.

19

20 MR. KATCHATAG: Right.

21

22 MS. ARMSTRONG: Yeah.

23

24 MR. KATCHATAG: So there's a section

25

26 MS. ARMSTRONG: Yeah.

27

28 MR. KATCHATAG: there that's missing.

29

30 "Sustained yield exploitation rates to ensure adequate
31 production." Something got lost in the process.

32

33 Going on to page ten, it says SPSRAC respectfully
34 recommends that the Seward Peninsula Subsistence Regional
35 Advisory Council serve as liaison between the tribal
36 governments and the federal land management agencies to
37 coordinate the sharing of data on the total populations of all
38 the renewable resources within each individual tribal ecosystem
39 and the collective Seward Peninsula/Norton Sound/Bering Straits
40 region as a whole. Furthermore, respectful of the customary
41 and traditional communal harvest and sharing practices common
42 to all our tribes, we recommend that the tribal governments
43 compile and share their individual tribal harvest data in the
44 following format: Subsistence harvest data; resource
45 type/name; total harvested; yearly; monthly; location
46 harvested; number harvested; sex (if applicable); age
47 (approximate); and comments.

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SPSRAC respects the right of the tribal governments to maintain and protect the confidentiality of the subsistence economic harvests of their individual tribal members, but for the reasons given above, emphasizes the need for an as accurate count as possible of the total tribal subsistence economic harvest of all affected species.

6

SPSRAC recommends that the management/co-management\ cooperative agreements with the tribal governments have provision for a mutually agreed upon methodology for determining total populations of indigenous renewable resources within each individual tribal ecosystem and the collective regional ecosystem.

13

SPSRAC recognizes and reaffirms the tribes' and their respective memberships' historic and prehistoric customary and additional use of indigenous renewable resources, and based on the longest continuous customary and traditional use of said resources, assert that, in the event of population or resource shortages necessitating restriction of subsistence uses on the threatened resources, it is the inherent right of the tribes to be the last consumptive subsistence economic system users of such resources.

23

SPSRAC finally recommends that in said agreements there be mutually agreed upon methodology, based on the latest appropriate scientific principles, for the determination of sustained yield exploitation rates of all indigenous renewable resources used in the subsistence economy of each individual tribal ecosystem, and the collective regional ecosystem as a whole. Such agreements on sustained yield exploitation rates must include language recognizing and reaffirming the tribes' and their memberships' inherent, intrinsic rights to continue to customarily and traditionally use the indigenous renewable resources as the base or bedrock user group, with all other user groups being extrinsic and extraneous.

36

Then it goes on into the regional subsistence management plan for nontribal residents of the region, which at that meeting we agreed would be the Subsistence Management Regulations for Federal Public Lands in Alaska, this document here.

42

Then that's the draft proposal. There is one section missing in there on page eight, and I believe that's probably a mistake, because I was doing this on the computer, and apparently this particular section got compressed before it got printed. But basically it -- I'd have to check on that. But that's the draft proposal for the Federal Subsistence

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management.

1

2 Is there any discussion, questions, comments from the
3 Council, staff or public? Yes? Could you state your name for
4 the record, please?

5

6

MR. OLANNA: Okay. Edward Olanna.

7

8

COURT REPORTER: And could you come up to the
9 microphone so I can get you on tape?

10

11

MR. KATCHATAG: She's recording this. She's
12 recording this for our records, and we'd like to have a
13 complete record, so please state your name for the record?

14

15

MR. OLANNA: Okay. My name is Edward Olanna.
16 I'm a native from Shishmaref, Alaska. I haven't made it to
17 this meeting until just about ten minutes ago, but I'd like to
18 make a comment concerning the possibility of the Federal
19 Government taking over control of fishing in Alaska, and my
20 thoughts on this are I'm not -- I don't really feel like it
21 should be up to the Federal Government to control our
22 fisheries. It's simply because of the fact that there's more
23 than one possibilities here. A person -- an organization that
24 controls fishing from out of the area does not really know
25 anything about it, unless they have some representatives. And
26 I'd like to point out that because Alaska is so huge a state,
27 it's larger than Texas, it's -- I forgot how many square
28 thousand miles Alaska is, but it's a big state, and you have to
29 consider all the groups that are living in Alaska, and simply
30 because of that, I feel that we wouldn't be represented
31 rightfully on the -- if the Federal Government decides to
32 control our fishing regulations.

33

34

Let me make another point, too. How do we know -- if
35 we've got a representative if the Federal Government does
36 indeed controls our fishing, how do we know that that
37 representative will be for us instead of trying to work against
38 us. It's -- there's more than -- I'm not even sure of the
39 whole population for the United States is, but we're only like
40 500,000 us here in Alaska, and only about half of that is
41 ethnic groups like us natives here. And sometimes in our own
42 state we have a hard time trying to represent us. And it's
43 shown -- it's shown that all this -- all the -- during the
44 history of Alaska, and I feel that we wouldn't be represented
45 right if a federal -- some federal agency decided that they
46 went to control our subsistence for us, besides fishing.

47

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MR. KATCHATAG: Yeah, that's basically the

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thrust of the draft tribal subsistence management plan that we're discussing now. It is my contention that the tribal governments, in other words the Shishmaref IRA Council in your case, is the only government that has the right to regulate your subsistence as a tribal person, because the Shishmaref IRA is recognized as having a government-to-government relationship with the Federal Government of the United States of America. And as such, if in fact we are recognized as a government having this government-to-government relationship, then personally this -- these are my thoughts: I don't think it's right for the Federal Government on its own, or through its policies or through its Congress to come in and say, "okay, Shishmaref, you have to do it this way," without any consultation with your tribal government, without any consultation with the tribal membership. Totally disregarding your tribal status, coming in and saying, "Okay. We have these subsistence regulations that we have developed without any consultation with you." That's my contention.

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MR. OLANNA: Right.

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MR. KATCHATAG: As a tribal person.

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MR. KATCHATAG: Are you speaking for or against tribal management of subsistence?

MR. OLANNA: I am for tribal management of subsistence.

MR. KATCHATAG: I appreciate it. And that's the thrust of my proposal which we introduced as a draft proposal, and which I just discussed just now. Any other comments?

MR. OLANNA: No, that's all I was concerned about. Thank you.

MR. KATCHATAG: Appreciate it, Mr. Olanna. Any Mr. Olanna, just a minute. Does any member of the Council have any questions for Mr. Olanna?

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MR. OTTON: Maybe a statement. I know you mentioned a little bit about fisheries and how you -- I think you said that the Federal Government shouldn't jump into management of fisheries. Our area, part of Seward Peninsula have been working trying to get our chums to come back to our rivers to spawn, and we've been working with the State plan of management, and using the Board of Fish and the Board of Game. We've been crying our hearts out, going to the Board of Fish meeting, but it seems like they don't listen to us. Instead they listen to the big money from the False Pass area, and as a result, we've seen a decline of our chum stocks in our rivers, and that's with State management, you know. I guess pretty soon later on in our agenda we will be talking about our chum catches, and your concerns should be brought up again at that time.

15

16

MR. OLANNA: Okay. Another thing I'd like to say before I leave, let me get my train of thought here first. Well, I forgot it. I might as well just say thanks for coming to Shishmaref. And I'm sticking behind the tribal management of our fish and game.

21

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MR. KATCHATAG: Thank you, Mr. Olanna.

23

24

MR. OTTON: There's

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26

MR. KATCHATAG: Yes. Johnson? For the record, this is Johnson Eningowuk, the mayor of the City of Shishmaref.

28

29

MR. ENINGOWUK: Thank you, Mr. Chairman. My name is Johnson Eningowuk. I'm presently the mayor of Shishmaref. I would -- On behalf of the City Council, I would take this opportunity to welcome the Advisory Council to Shishmaref, and thank them for being here.

34

35

The City of -- the Community of Shishmaref is a true subsistence village, still practicing subsistence hunting, fishing and gathering. Shishmaref is situated on an ever-windling island by erosion. It's only about three miles long, and only about a mile wide. In the past people have thought of moving, because of erosion, but the comment from the people was that it was close to the ocean, it was close to the source of food that we eat. It was an ideal location to do our subsistence lifestyle.

44

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If you would happen to visit Shishmaref in the spring when the oogrük and the walrus return, you'd see our busy village, the men out hunting, bringing back game. The ladies would prepare and -- these game and prepare them for the long,

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cold winter to come. Subsistence fishing follows. Again the village busy preparing, drying fish, and putting fish away for the winter. Still a subsistence lifestyle. Following that, greens and berries are gathered, again storing for the winter, for winter use. We do have a long, cold winter.

5

6 Shishmaref in its own sense has no real economic base. 7It is a small subsistence village. And all its lifestyle is based around that. Our village hunts and fishes and gathers food, and then by utilizing its by-products, such as the skin, the bone and ivory, to help buy other staples, such as grocery food, gasoline and oil for snow machines and outboard motors, hunting equipment, boats and sleds. All these by-products, the people have learned to use and passed on to the younger generation to barter for some of the staples that are provided in the stores.

16

17 Shishmaref, again, is one truly subsistence village, as like many others in the surrounding area. We have a need to protect this lifestyle, because if you were to take the subsistence lifestyle away from Shishmaref, it would have nothing to fall back to. We have a small tannery, but many of our people base their lifestyle on subsistence use of the ocean, the land, and the surrounding area.

24

25 As mayor and as a resident of Shishmaref, I fully support what our elders have taught us, to protect our lifestyle, to take only what you need for winter, to preserve for the future younger generation those lifestyle, the fish, the berries, and those very subsistence gathering and hunting that we do, our elders have taught us to preserve. We have somehow survived the harsh environment we have for many, many centuries, mainly due because of the elders passing on their lifestyle, how to preserve and manage the natural resources, such as the animals, the berries and the fish, as not to deplete them, but to preserve them for future use by our younger generation.

37

38 So in my final comments, I do support and have supported our elders and I'm certainly hoping that we as the recipients of those -- of what our elders have taught us, that we will pass these subsistence use and protection to our younger generation, and I believe we have. And if you do happen to visit Shishmaref in the very busy hunting season, you'll see our younger generation following those footsteps that we do. We have a lot of preparation for food that we gather for the winter. We do use a lot of by-products, evident by our skin sewing, and our ivory carving, our bone carving, and so forth.

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1 So I thank you for this opportunity to address the
 2 Advisory Council, and urge them to fully support the native
 3 past management and hopefully that the village of Shishmaref
 4 will continue to survive as a truly subsistence village. Thank
 5 you, Mr. Chairman.

6
 7 MR. KATCHATAG: Mr. Eningowuk, before you
 8 leave, one thing that -- there's a couple of things that came
 9 to mind as you were talking to us. You stated that Shishmaref
 10 has no real economic base, but I would like to ask if you could
 11 clarify that by saying that Shishmaref has no real cash
 12 economic base?

13
 14 MR. ENINGOWUK: I would clarify that. Our
 15 village has survived through the by-products of our subsistence
 16 hunting, through art work that we barter to outside to try to
 17 get some cash economic base to buy boats and motors, food for
 18 our families from the store. Some of the younger generation do
 19 like to eat pizza, so -- and that kind of food, but a lot of
 20 our -- if we were to try to fall back to a cash economy, it
 21 would be very difficult without the by-products that we get
 22 from our subsistence hunting and fishing.

23
 24 MR. KATCHATAG: Would you agree with me then
 25 that even though you might not have a real cash economic base,
 26 you do have a strong and viable subsistence economy?

27
 28 MR. ENINGOWUK: That is correct.

29
 30 MR. KATCHATAG: And that is what sustains the
 31 people of Shishmaref, right?

32
 33 MR. ENINGOWUK: Yes.

34
 35 MR. KATCHATAG: Excellent. Any further
 36 questions or comments? George?

37
 38 MR. LOCKWOOD: Yeah. To my understanding, this
 39 subsistence is part of our subsistence way is not only on
 40 animals, but with furs also, because we use them for clothes or
 41 whatever. All those are part of our subsistence way of living.

42
 43 MR. KATCHATAG: Thank you, George. One last
 44 question that I have for you personally, are you in favor of
 45 the draft proposal for the tribal management of subsistence?
 46 In other words, for Shishmaref, that the IRA would be the one
 47 government responsible for managing your subsistence?

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MR. ENINGOWUK: I am in support of it, mainly because our elders have taught us to preserve our natural resources, our renewable resources are our subsistence lifestyle, and I am in support of our elders through the tribal government, because we've -- you know, we've survived for centuries on that management, and I think we can also adequately teach our children to preserve those resources through our tribal government.

8

9

MR. KATCHATAG: Thank you, Mr. Eningowuk? Anybody else have any comments or questions for -- Roy?

11

12

MR. OTTON: Yeah, I was going to ask you, Johnson, I guess he asked the question and you answered it that was going to ask in a different way, about have you got any idea of how your village or IRA or City of Shishmaref might have on fostering the subsistence economy, lifestyle, or protecting it to make sure you have it for future generations? Is there any kind of an idea of a mechanism of how you can go on follow or anything, you know?

20

21

MR. ENINGOWUK: I don't have any real suggestions, but I think it's in IRA that this is already happening, because the elders teach us when we are out hunting to preserve those natural resources, and automatically we don't think of it as an issue or anything. We just learn to do it, because that's how we survive in this community. But I think as long as the elders and certainly the -- we will become elders pretty soon, that we'll pass on the information to our younger generation, and we'll -- we have somehow managed to do good management and learn from our elders in our subsistence lifestyle.

32

33

MR. KATCHATAG: One last question that I have is one of the things that is mentioned in the draft proposal, and which you've touched on is self-management. In other words, each and every subsistence user goes out there and uses the resources, but with the teachings of the elders in mind. In other words, that system works right, these are all customs and traditions that are passed on from elders to the younger generation, and they work, is that what you're telling us?

41

42

MR. ENINGOWUK: Our elders are pretty strict on how we utilize our subsistence game, fish and gathering. And they keep in mind that, you know, they lived through a harsh lifestyle, and they would -- I don't think they want us to repeat some of the hardships that they had gone through in living this lifestyle, so they have been pretty vocal in making sure that we carry on their lifestyle.

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1 Our elders are also -- would like education to come in,
 2 Because knowing that it is becoming harder and harder to live
 3 off the land with so many regulations that are being imposed on
 4 them on the subsistence lifestyle, they are really encouraging
 5 the younger generation to get their education and try not to go
 6 some of the hardships that in subsistence lifestyle does occur.
 7 So our elders are really encouraging the younger generation to
 8 get an education and maybe they won't have to go through some
 9 of the hardships of trying to live a subsistence lifestyle, but
 10 the community's here, the community will always be here. There
 11 is nothing for us to fall back to as -- through cash, unless,
 12 you know, we happen to strike gold or something that -- in the
 13 near community, and maybe it would happen. But our community's
 14 still here, we're still a subsistence community, and I would be
 15 in support of, you know, local management through the tribal
 16 council of our fisheries and our subsistence lifestyle.

17

18 MR. KATCHATAG: Any other questions or comments
 19 from the Council for Mr. Eningowuk? Any of the staff?

20

21 MR. ENINGOWUK: Thank you, Mr. Chairman.

22

23 MR. KATCHATAG: Thank you, Mr. Eningowuk.
 24 Before we proceed much further, I would like to take a moment
 25 right now to make sure that everybody here has been introduced.
 26 I've noticed that the one person standing I don't think was
 27 introduced earlier.

28

29 MS. EDWARDS: My name is Terri Edwards. I work
 30 with the Fish and Wildlife Service in the Subsistence Office in
 31 Anchorage.

32

33 MR. KATCHATAG: Thank you, Ms. Edwards.

34 Mr. Barr?

35

36 MR. BARR: Gideon Barr.

37

38 MR. KATCHATAG: Yeah.

39

40 MR. BARR: He's my older brother.

41

42 MR. KATCHATAG: One of the elders of Shishmaref
 43 take it?

44

45 MR. BARR: Yeah.

46

47 MR. KATCHATAG: Glad to have you, Mr. Barr.
 48 I'm glad to see you here. Do you have anything that you would

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like to say? Yeah.

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2 MR. G. BARR: I don't hear too good. But if
3 it's something that you folks want to know or what?

4

5 MR. KATCHATAG: Well, we're talking about
6 subsistence, living off the resources of the land and the sea.

7

8 MR. G. BARR: Huh?

9

10 MR. KATCHATAG: We're talking about living off
11 the land and the sea.

12

13 MR. G. BARR: Oh.

14

15 MR. KATCHATAG: And we're wondering if you have
16 something that you'd like to say to us?

17

18 MR. G. BARR: Well, that's good hunting, it's
19 mostly out to sea. I'm talking about the walrus, it's
20 something we always look for in the spring, but last spring
21 they were just lucky to find some, because the ice was too
22 tight to go out. We like to hunt walrus out there, but we
23 can't get out there. What we always try to do is salvage all
24 the meat we can find, I mean, what we caught, even the dead
25 ones. That's what most people get last spring is just mostly
26 floaters that's floating in the sea. Sometimes when those
27 people up from St. Lawrence, King Island, and Diomedes when they
28 been butcher some in the past, not recently, in the past I know
29 there's one spring, we sure got -- our village sure got the
30 blame for that's what they're doing. All of this dead walrus,
31 always float in and drift in on the beach, that -- and our
32 village got the blame for it, which they didn't even take
33 walrus that time, a live walrus. But when the hunters went to
34 get, you know, a live walrus (indiscernible), they salvage the
35 floaters, whatever is floating, because they were basically
36 using the smaller caliber of guns like 308, seven
37 (indiscernible), 264, 270 is good for walrus. It's high
38 powered. Those things -- yeah, that's one thing I had in mind.
39 So I was -- they would remember what I said. When our village
40 got the blame for all the dead walrus drifting ashore, between
41 here and Wales, and we get the blame for it, but they're the
42 ones that come in this way with the current, and drift this
43 far. That's one thing that I wanted to get out of my mind. We
44 can't get no walrus here every spring. Some springs they're
45 lucky to get two or three live walrus, But what they were able
46 to salvage from floaters. Even last spring again the same
47 thing happened. Whatever they find on the beach or floating
48 out in the sea, and then they salvaged the meat for our own

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use. That's something that we can't really live without, us older people. We're so used to having.

2

3 When I used to live up at Espenberg, we used to salvage (indiscernible) that drift on the beach, because we have a lot of use for them. That's all (indiscernible) need that. Then we (indiscernible, door closing) went to for being short of walrus meat and (indiscernible) as long as I can get a few seals along with. And, yeah, I just want that -- I want to let the Federal Government know that what we always do. The last three, four springs did not have -- hunt at all, because of my health. I'm getting old. My eyesight is really hurting me.

12

13 Yeah. And those birds like Canadian geese, I know in some years they are a few that come up here. Some years there are more Canadian geese that we could have around the area. About three or four years ago -- every spring I would take my wife and some of her sisters from the village to go berry picking, blackberry picking at Espenberg. So in September -- when September comes, I took her up there. I couldn't believe what I see. All the berries, all the blackberries that had grown is really wiped out by Canadian geese. This happened not only in Espenberg. Even on the Kotzebue side. On Sesosruk (ph) side. They had the same complaint. Because the Canadian geese was so many, they just wiped out the -- where the blackberries used to grow. I had those two things I'd like to get off my mind. So the federal office, they know about it.

27

28 When I used to hunt walrus, I told this to my crew, I do all the bossing, 'cause I'm the captain. I own the boat and motor. Sometimes we have to hunt in front of Kivalina. We used to have St. Lawrence, down at Diomed Island. One time we went close to the island, where the ice was travelling, you know, this way. Travelling north. We seen no walrus at all on top of the ice. And just before we turned back, finally my crew says, "now we see a walrus." He said, "They're all sleeping on top of the ice." And there was another boat, so we went together, and as we got closer to them. And by the time we get close enough, we notice that they were all headless. But there were males, no females. All the males, the penis is removed, and the heads is removed. So there were no walrus, so we have to go to (indiscernible). From the meat, we had to also save were about three days old. Some hunters (indiscernible, people making coffee and a lot of noise) had shot them, and had poached them and left them on the ice. I think around 70 (ph) that were salvageable for our food, so we loaded up our boats and headed home. And ice conditions some times are really variable, and during our spring hunt for walrus. We don't think we can go without this walrus, as to

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the people always look for them in the spring in order to
 1 (indiscernible, coughing) for the next coming winter. That our
 2 food system and hide (ph), those are year by year, but these
 3 last few years I miss out on that. But the young people, they
 4 do the same thing, but they can find no live walrus, but they
 5 have to salvage what they can find floating out there. We're
 6 walrus hunters. It's okay to use small caliber guns, 'cause it
 7 have a good hide. I tell to them, in order to hunt walrus.
 8 Male runs is always left, but females is so -- because they
 9 come first and then about five of us to (indiscernible, coffee
 10 not perking). Those are three things that I have in mind.

11

12 So ever since that time when we couldn't find no
 13 berries at all, I never take my family out for berry picking in
 14 September. Some years there's Canadian geese, because they go
 15 150, and they ate (indiscernible), when they start flying, they
 16 wipe out the berries where we can get no berries for our own
 17 use.

18

19 I'm glad that this walrus commission, they always put
 20 out every spring reminders us walrus hunters to hunt just
 21 (indiscernible) for what we can use. On this male walrus, the
 22 skin is a lot easier than the female, so everybody's
 23 (indiscernible) we're always looking for that male run of
 24 walrus, because they travel and go by our area and the last
 25 time that they left. Their hide is a lot easier to sew (ph)
 26 on, the males than the females, even though (indiscernible) the
 27 hide is always hard on the females.

28

29 Yeah, that's about all I have in my mind.

30

31 MR. KATCHEAK: Mr. Gideon Barr, my name is
 32 Theodore Katcheak from Stebbins. Theodore Katcheak from
 33 Stebbins.

34

35 MR. G. BARR: Huh?

36

37 MR. KATCHEAK: My name is Theodore Katcheak
 38 from Stebbins.

39

40 MR. G. BARR: All right.

41

42 MR. KATCHEAK: And you came in just about the
 43 right time, when we were trying to decide if it was good for us
 44 to
 45

46

47 MR. G. BARR: Uh-huh.

48

49 MR. KATCHEAK: accept Sheldon Katchatag's
 50

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proposal for the tribal governments to manage the fish and game. So he stated that there are -- we would -- tribal government would be the one to enforce the management, and that was the question, if we want to go -- if we agree with that or not. And a lot of times we know that the tribal government is supported by the village people, the elders.

6

7

MR. G. BARR: Uh-huh.

8

9

MR. KATCHEAK: And that's how the tribal government was formed. So I will speak in favor of the tribal management right now, because you came in just about the time when we're trying to make our decision whether we want to

13

14

MR. G. BARR: Uh-huh.

15

16

MR. KATCHEAK: accept his proposal for the tribal governments to manage that fish and game resources, and other management resources. So you gave me a little bit more ideas what -- how to help the villages. We're all from different villages, and we're trying to find a way, a solution to do better management than the Federal Government did and the State Government, so we're the ones that have the most knowledge of what is around. We know when they come and when they go. So

25

26

MR. G. BARR: And around this area, used to be every winter polar bears arrived sick when the weather conditions was good. But this winter they hardly talk about the polar bears coming in the wintertime. We have too much of an easterly wind. Right away the people say polar bear (indiscernible) empty, we can't sell the hide anyhow. It would take an extra work. Even if (indiscernible) selling polar bears, but they don't hunt them. Although we like those younger polar bear meat, because they taste something like seal meat, too, usually is what they eat. But some years when the weather condition is good, they hit Shishmaref real hard. They can feed on whatever was drifted ashore in the fall. They even got to our village here and start feeding on the food in the warehouse on (indiscernible) downstairs. When they come in that sick (ph) like that, why there's contact, advise younger children and so forth not to be out alone. When those bears are hungry, they are bad. Now today we have problems with brown bears. Can't even salvage no more meat out in the country like we used to do in our area, because in them days there used to be no brown bear, but today they could come in. This is I know about three years ago, they break into my house at Espenberg, and they cost me a lot of money for the windows. They went in, breaking in the windows, and take out whatever

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they could find to eat. They did not find too much at least (indiscernible). They didn't finish it all, but they ate some of that (indiscernible), that was the only thing that was

3
4 MR. KATCHEAK: Mr. Chairman, I would like to make a comment about my earlier statement that we would make -- do better management than State and Federal. I don't want to cause a dissention between us, but I think together we could make a better sound decision cooperatively with the State and Federal Government and the tribal governments. So, that's all I wanted to say. I don't want to cause a dissention here.

11
12 MR. KATCHATAG: Thank you, Mr. Katcheak. Thank you, Mr. Barr. Koyana.

14
15 MR. G. BARR: Koyana. Yeah, that's just about all I have in my mind.

17
18 MR. KATCHATAG: Any other further discussion on the tribal management of subsistence?

20
21 MR. NINGEOLOOK: Mr. Chairman?

22
23 MR. KATCHATAG: Yes?

24
25 MR. NINGEOLOOK: If I could approach the?

26
27 MR. KATCHATAG: Please approach the bench and state your record for the -- state your name for the record. State your record for the name.

30
31 MR. NINGEOLOOK: Thank you. My name is Albert Ningeolook. I'm a life-long resident of the village.

33
34 I'd like to reiterate some of the comments that were said earlier, since I'm in full support of your draft proposal. And that really strikes me, and really supporting the draft proposal are the words that you had written on page three, that quote that says, "I as Chairman found it appalling, to say the least, that all the agency staff when questioned admitted to having little or no data on the subsistence economies, customary and traditional uses and needs, and the renewable resources upon which they are based in our region."

43
44 I really found that to be true, having worked in various projects in the past, I really find it very, very -- to have it mandatory that agencies send their people out to the villages and conduct thorough research or information gathering before they delegate or regulate or whatever in regards to our

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subsistence way of life.

1

2 Throughout the ages, actually the first recorded, if
3 you want to call it, documentation for subsistence way of life
4 was by the Russian explorers artist Ludvig Torres when Audubon
5 Kotzebue landed on this island on July 4th of 1816. He landed
6 at the east side of the village here. They went to all the old
7 village site and the artist drew all these sketches that he had
8 seen about the hunting implements and whatever, and of the
9 flora and fauna of the village here. So I hope that as the
10 committee, I hope that you can ask the -- these youngsa (ph) or
11 whatever to obtain all the information you can in regards to
12 that documentation.

13

14 And I quickly made some few notes. I don't have a
15 written statement here.

16

17 But I'm in full support of tribal management, providing
18 that the elders are consulted in regards to making regulations
19 whatever, because we all know that our villages and our
20 culture have survived because of the elders, or the elders
21 regulating the hunting seasons or whatever in the past. And
22 the natural life cycle has always been natural since time
23 began, I believe. And we as human beings have had the
24 opportunity to take advantage of each seasonal change, like for
25 instance, right now we're in a winter season, so we have to
26 dress up warm in order to survive through the harsh climate.

27

28 And for the benefit of all the people who cannot speak
29 dialect, I'll say a few words. The reason I'm going to say
30 these few words in my own dialect is for the people who cannot
31 understand my dialect, to find out how hard it is to understand
32 whatever federal regulations or Federal Registers are when we
33 try to read them. So I'll just say a few words in my own
34 dialect. (In Inupiaq) Some of the people that do not speak
35 Inupiaq probably heard the word "Alapah" (ph). That's the
36 first word that people from the Lower 48 first learn get they
37 get up here, alapah meaning "very cold". So this is how I
38 myself sometimes feel about trying to interpret federal
39 regulations.

40

41 So I really applaud the committee in its endeavors to
42 help our people and our way of life. So I encourage each of
43 you in the work to keep up your good work. And I thank you for
44 coming here, and also the people that are representing the
45 various organizations. Koyana.

46

47 MR. KATCHATAG: Mr. Ningeolook, before you
48 leave, let's see if there are any questions from the Council.

49

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Any questions? Comments?

1
2 MR. LOCKWOOD: No.

3
4 MR. KATCHATAG: Thank you, Mr. Ningeolook. I'm
5 Sorry to take your time up, but I would -- yes, Mr. Olanna?

6
7 MR. OLANNA: May I make one more comment or --?
8 Edward Olanna again.

9
10 I'd like to make a comment on what I talked about
11 earlier when I was talking about eating cow. Well, it's okay
12 for some reason beyond our control something happened in the
13 environment like in the springtime of '93 when some nuclear
14 reactor exploded and caused an accident into the environment,
15 and so radiation spread out. There was only like about .02
16 microrads, but -- that got into the land of Alaska. That's
17 just like two-100ths of rad. I don't know. I never really
18 looked that up. But if -- in case something happened like that
19 where we couldn't control nothing, because it would be carried
20 by the air currents, or the water currents, we should have some
21 sort of cooperation with the Federal Government on such matters
22 like that, because -- simply because we don't have the
23 necessary equipment to pick up stuff like that happening in our
24 part of the world.

25
26 MR. KATCHATAG: Thank you, Mr. Olanna. I
27 appreciate it. I don't know what a microrad is either.

28
29 MR. OLANNA: Well, it's some sort of

30
31 MR. KATCHATAG: Yeah, I

32
33 MR. OLANNA: radiation.

34
35 MR. KATCHATAG: Yeah, I know it's a measure of
36 radiation, but I figure if I really need to know exactly what a
37 microrad is, I know enough dictionaries and reference works to
38 find it I think.

39
40 MR. OLANNA: Okay. That's -- that was my
41 comment. I guess that's all I've got for right now.

42
43 MR. KATCHATAG: I appreciate your taking the
44 time to sit through our proceedings and provide your comments
45 to us. I appreciate it. Thank you.

46
47 MR. BARR: Mr. Chairman?

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MR. KATCHATAG: Yes, Mr. Barr?

1
2 MR. BARR: I'm Bill Barr. Page eight I guess
3 is missing on this. You said earlier -- you stated earlier
4 that you were dealing with a -- what do you call that electric,
5 you know, that

6
7 MR. KATCHATAG: A computer.

8
9 MR. BARR: Computer, yeah. And you missed out
10 number eight, and

11
12 MR. KATCHATAG: Yeah.

13
14 MR. BARR: I just wondered what number
15 is, you know?

16
17 MR. KATCHATAG: Yeah, page seven -- I mean,
18 page nine actually is missing. And

19
20 MR. BARR: Page nine?

21
22 MR. KATCHATAG: Yeah. See, if you look at the
23 bottom, it says SPSRAC Advisory Council Report, page eight, and
24 then it goes to "sustained yield exploitation rate," and then
25 says "page nine," so that entire page nine is missing. And
26 when I get back to Elim or if I check my luggage, I might have
27 copy, and if I do, I'll make sure copies are circulated. But
28 I don't have it here, I'll definitely make sure that a copy
29 sent to Barb, and gets sent along to the Council.

30
31 MR. BARR: I notice in your agenda here you
32 said there's discussion and motion to adopt the draft, and then
33 we go down to entertain a motion to adopt amended proposal, you
34 know, and I don't see why we should, you know, go ahead and
35 pass this since we're missing number nine, you know, so -- I
36 mean, I strongly feel that we should get the complete proposal,
37 you know, in here and then adopt it maybe at our later meeting,
38 maybe at a fall meeting we can go ahead and adopt it. That's
39 my own way -- line of thinking. I don't know. What do you
40 think?

41
42 MR. KATCHATAG: That's the discretion of the
43 Council. It -- are you making this in the form of a motion?

44
45 MR. BARR: No, I'm not. I'm just

46
47 MR. KATCHATAG: We're still in discussion.

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2
3 MR. OTTON: Yeah. I think I would agree with
Bill. I would want to pass nothing that, you know, that has
Black boxes.

6
7 MR. KATCHATAG: Yeah, I understand. Caught by
8 my own black box.

9
10 MR. OTTON: There's -- I know there's some
11 parts up here, like you've got management, co-management or
12 cooperative agreements. There you've got three parts, you
13 know. Management and then there's co-management and
14 cooperative. And I've been on some committees of where we
15 talked about

16
17 MR. KATCHATAG: Okay. Why don't we take about
a815 minute break, a nd George has shown me a copy of the page
h9ne that we're missing. So we'll get some copies made, and
2hen we can discuss the entire draft proposal. Saved my life,
Qeorge. Let's recess for about 15 minutes.

22
23 (Off record) 2:49 P.M.

24
25 (On record) 3:00 P.M.

26
27 MR. KATCHATAG: Since the Council's all here,
28 I'll call the meeting back to order.

29
30 Before we left, it was brought to my attention that we
31 were missing page nine of the draft tribal subsistence
32 management proposal, and George was kind enough to look into
33 B3s files and find a clean copy that had a page nine, and Barb
34 was kind enough to get copies made. And if you look at the
35 B5ttom of page eight, it starts out by saying that:

36
37 SPSRAC respectfully recommends that the tribes, in
38 their customary and traditional self-regulation and management
39 of their tribal subsistence economies, continue to do so within
40 the following:

41
42 And then on page nine, it says "Guidelines".

43
44 1. Continued use of sound management principles which
45 respect, protect, and conserve viable, healthy populations of
46 fish and wildlife and other indigenous renewable resources for
47 present and future use.

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Number two, continued respect and preservation of the ecosystem and environment which has, and continues to provide, the viable, healthy indigenous renewable resources upon which our individual and collective subsistence economies are based.

4

5 Number three, customary and traditional nonwasteful, efficient use of as much of the indigenous renewable resources as is necessary to be healthy and prosperous, individually and collectively as tribes, bearing always in mind the healthy, viable population base needed to reproduce annually.

10

11 Number four, customary and traditional vigilance and disapproval of any incidental and/or intentional waste or wasteful practices by any tribal member or non-member interacting within the environment and ecosystem.

15

16 Number five, customary and traditional teaching of the customs and traditions which respect and revere the ecosystem and the bounty of indigenous renewable resources that it will continue to provide, only if it is properly respected and taken care of by all who interact within it.

21

22 And, number six, continued customary and traditional individual and collective tribal disapproval and censure of excessive harvest, above and beyond customary and traditional tribal norms, by any tribal member or non-member of any particular or all indigenous renewable resources within the tribal ecosystem and environment.

28

29 Those are the six guidelines which SPS- -- which this draft proposal proposes for the tribal management of subsistence. And the position which I have taken as chair, and which the Council through approval of my motion has approved is that as Regional Advisory Council, we can only make recommendations to the tribal governments for their management of the subsistence harvest by their memberships.

36

37 And then under subsistence harvest data collection, it says SPSRAC proposes and respectfully recommends that the tribal governments, as part of their responsibilities based on principles of sound management, officially and formally collect and compile subsistence economic harvests data of their tribal memberships and that of any non-members with whom they interact as they go about their customary and traditional harvests. Healthy, viable populations of indigenous renewable resources can be maintained only if reasonably accurate counts of the total populations are known, and the harvests of all parts of the ecosystem, both wild and human, are within the sustained yield exploitation rates to ensure adequate reproduction.

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1 That's the page that we were missing. So as far -- one
 2 other concern that was brought up during the break, Barbara, is
 3 that I was talking with Ms. Eningowuk of the Shishmaref IRA
 4 Council, and she said that she had not received a copy of this.

5
 6 MS. ARMSTRONG: I sent it to City of
 7 Shishmaref. It's on that list on the cover. And

8
 9 MR. KATCHATAG: Yes.

10
 11 MS. ARMSTRONG: it was sent to City of
 12 Shishmaref. I think it's on -- what's the list on that -- on
 13 top of your

14
 15 MR. KATCHATAG: This one says Native Village
 16 of.

17
 18 MS. ARMSTRONG: I think it was sent to the
 19 Native Village of Shishmaref. Where's Luci?

20
 21 MR. KATCHATAG: She just went out.

22
 23 MS. ARMSTRONG: Yeah.

24
 25 MR. OLANNA: Could I have a copy for me, too,
 26 because I might be interested in doing an essay on subsistence
 27 for my English class.

28
 29 MR. KATCHATAG: Excellent.

30
 31 MS. ARMSTRONG: Okay. I have your name and
 32 address, right?

33
 34 MR. OLANNA: Okay.

35
 36 MS. ARMSTRONG: Okay. I'll send it to you.

37
 38 MR. KATCHATAG: He could have my copy after
 39 we're done.

40
 41 MS. ARMSTRONG: Okay. Okay.

42
 43 MR. KATCHATAG: Mr. Olanna? Once we're done
 44 with this proposal, you can have my copy. I have other copies
 45 at home.

46
 47 MS. ARMSTRONG: Okay. I'll

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MR. OLANNA: Okay. Thank you.

MS. ARMSTRONG: I'll copy Luci then.

MR. KATCHATAG: Okay. Any other discussion on the draft proposal?

MR. OTTON: Yes. I notice in here you've got three -- you've got management-slash-co-management and then slash and/or cooperative management. It is a stand of our -- I also belong to the Board of Directors of Kawerak, and also the Kawerak Subsistence Committee. And while Matthew Iyo was still around, it was our viewpoint that going with cooperative management is pretty weak for our part, and I would recommend to propose that cooperative agreement or cooperative be stricken from this document. And I would feel more better about that.

And I've got another concern of what you talk about, "Indigenous renewable resources". I was wondering how indigenous renewable resources would play on musk oxen, because, you know, according to Fish and Game we've got not additional and customary ratings for that. So I was just specifically for musk oxen, how that would come into play?

MR. KATCHATAG: It all depends on definitions, and which definition parties to the discussion are using. If you go back far enough, I'm sure that there is archaeological evidence that musk oxen were at one time or another viable populations within this region, and correct me if I'm wrong in that assumption. But based on that, and I know I've seen some musk ox skulls in the various bars around Nome, that I'm sure that I'm sure are not figments of my imagination. But if you were using that definition, musk oxen could be considered an indigenous renewable resource.

But if you go along with the Musk Ox Management Plan as presented by Mr. Bob Nelson of Alaska Department of Fish and Game, then his definition is that it is not an indigenous resource, that it has been re-introduced by the Alaska Department of Fish and Game and other parties. I'm not sure if the Fish and Wildlife Service was involved in that or not.

MR. LOCKHART: I'm not sure either.

MR. KATCHATAG: So the definition of whether or not musk oxen is an indigenous renewable resource could be debated a number of ways, and one of the things that I would say make it an indigenous resource is the fact that it survives

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itself on indigenous resources. In other words, it doesn't require a food source to be brought in along with it. It is a resource that is surviving on the resources that its ancestors might have survived on before it was hunted into extinction.

4

5 My understanding of musk oxen within the Seward Peninsula region is that they were wiped out during the gold rush, along with Dall sheep and caribou west of the Darby Mountains. That's my understanding, and correct me if I'm wrong.

10

11 MR. BARR: You're right about the sheep, you know, they were wiped out from those mountains north of Nome there, you know. They were plentiful at one time, you know, and then they're depleted again.

15

16 MR. KATCHATAG: Yeah, I imagine with a population of 20,000 with no beef and no chicken, no turkey ranches in the area, I'm sure that they were hunting far and wide to keep the new population of 20,000 fed over the course of each year. So I don't think it's totally true that musk oxen is an introduced species. I -- it would be my contention that they -- it would be their responsibility that it was an introduced specie. I would take the position that it is an indigenous resource, because historically it was there in the past.

26

27 MR. KATCHEAK: Mr. Chairman?

28

29 MR. KATCHATAG: Yes?

30

31 MR. KATCHEAK: At this time I'd like to suggest an idea to, probably a recommendation that we could adopt this proposal as a guideline, but not as a, you know, finished product, because there are some -- like we wanted some suggestion, ideas from the villages, if they want to -- if they agree with the proposal or they don't agree with the proposal, so we should give some more time before we adopt a black and white proposal, or finished proposal. We could use

39

40 MR. BARR: Mr. Chairman, I would agree with Ted Katcheak, you know, in concept.

42

43 MR. KATCHATAG: That is totally the discretion of the Council. Whatever the wishes of the Council are that, you know, when we vote on it, that that's the wish of the Council. Whatever you guys agree to, that's fine with me.

47

48 MR. BARR: Luci's here now if you want to state

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where you had mailed the

1

2

MS. ARMSTRONG: Okay.

3

4

MR. BARR: this proposal to?

5

6

MR. KATCHATAG: Yeah. Luci, I mentioned to our coordinator that you had told me you had not received a copy of the draft proposal?

9

10

MS. ENINGOWUK: Yeah, we haven't shared it with the IRA Council, and the first time I saw it was at the Subsistence Committee meeting at Kawerak.

13

14

MS. ARMSTRONG: Where at? At Kawerak?

15

16

MS. ENINGOWUK: Yeah.

17

18

MS. ARMSTRONG: 'Cause I know I mailed it to the Native Village of Shishmaref. It would be -- because I copied what Sheldon gave me under for addresses.

21

22

MS. ENINGOWUK: Okay.

23

24

MS. ARMSTRONG: And would that have gone to you do you guys have an IRA office here or --? That would go to the same office you're at, right?

27

28

MS. ENINGOWUK: No, the IRA office is over at the church basement, and that's where we usually have our meetings, and sometimes we have -- or staff hasn't -- don't bring up these important issues sometimes, so

32

33

MS. ARMSTRONG: Okay.

34

35

MS. ENINGOWUK: usually it's our problem that we -- that it was over there, and not

37

38

MS. ARMSTRONG: Okay. I will send it -- I will send you a copy, or we'll make you a copy before we leave

40

41

MS. ENINGOWUK: Okay. Thank you.

42

43

MS. ARMSTRONG: for your office.

44

45

MS. ENINGOWUK: And, Sheldon, if you can give us time, we want to look this over with the IRA Council, so that we play a major role on this, we'd like more time to review and comment.

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1 MR. KATCHATAG: Sure. The whole idea behind
 2 this draft tribal subsistence management plan is that the
 3 Federal Government in my estimation can only provide guidelines
 4 to the tribal governments, and that's the main thrust of this
 5 proposal. And it just so happens that page nine, which we
 6 almost didn't have, contains the six guidelines which in my
 7 estimation is the only thing that we could recommend to the
 8 tribal governments is guidelines. And whether or not the
 9 tribal governments choose to abide by those guidelines is
 10 strictly up to the tribal governments. In other words, the
 11 tribal governments still have their governmental powers intact.
 12 All we're doing is suggesting guidelines for their management
 13 of the subsistence of their memberships. That's the whole
 14 thrust of this Tribal Subsistence Management Plan. We are not
 15 trying to impose any other management system on the tribal
 16 governments. We're just saying -- we are suggesting
 17 guidelines. Whether or not they choose to abide by them is
 18 their business.

19

20 MR. KATCHEAK: This is the idea I was trying to
 21 get across is I'd like to have the other -- the tribal
 22 governments make their comments and insert those ideas along
 23 with this management plan, so we've got the input. We can have
 24 in our third Council meeting, we could adopt this plan after
 25 we get response from the tribal governments. And I'm sure they
 26 have some good ideas that we haven't heard about. That would
 27 help make this a stronger plan.

28

29 MR. OTTON: Sheldon, I guess me and Luci and
 30 Boretta, we have attended a meeting in Nome on the Subsistence
 31 Committee of Kawerak, and we're all IRA presidents from our --
 32 are delegates from our respective IRAs. In our meeting we
 33 more or less passed what this is, and it was our recommendation
 34 from the Subsistence Committee that the IRAs in the respective
 35 communities go along with this, but I guess we were going down
 36 a different track at the time.

37

38 I -- whatever action we take, that comes out of this
 39 body, I'll try to make sure that you get on an agenda to
 40 address the whole Kawerak Board sometime, and probably the end
 41 of this month. I'll see about trying to get you to our meeting
 42 in Nome, and maybe you can explain more better what this is all
 43 about to our IRAs when we convene, you know. So

44

45 MS. ENINGOWUK: Roy, at that meeting if I
 46 remember right, this proposal was supposed to be taken up by
 47 the Kawerak full board on March 29th.

48

49

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MR. OTTON: Yes.

1

2

MS. ENINGOWUK: And then feedback from the
Kawerak Board to you and this committee.

4

5

MR. OTTON: Yeah. I guess my recommendation
right now was we should try to see if we can have the chairman
come to our full board meeting to explain to all the villages
what this is all about, you know, so that they can bring it
back to their villages, and whatever the villages will do, you
know, it's up to the villages. But if we're to hear him
address the IRAs all together, then we'd probably have a better
course of action coming from the IRAs, you know.

13

14

MR. KATCHATAG: Any further discussion on the
draft proposal? Any comments? Yes?

16

17

MR. NINGEOLOOK: Albert Ningeolook. By just
hearing the words, when I think about how the words set, I
think it should mentioned or thought about, the words, quote,
unwritten laws of our people from the past. Because in the
past our people hunted without going by regulations, but by
what they knew about the animals migrational patterns or
whatever.

24

25

MR. KATCHATAG: Yeah, that's one thing that if
you notice under the draft guidelines, where is it?

27

28

MR. BARR: Number five maybe?

29

30

MR. KATCHATAG: Well, I know it's in here
somewhere, but this proposes that the tribes continue to manage
their subsistence in their tradition and custom, and as far as
I know, 99.9% of our traditions and customs are unwritten.

34

35

MR. NINGEOLOOK: What I'm saying is,
Chairman, is that the people down in D.C. don't know about
unwritten laws, so most of the time the bureaucratic government
person down in D.C. don't have enough time, so it would be a
few words that would stick in their mind in order to give them
logic to, that's my point.

41

42

MR. KATCHATAG: Yeah. If you look on page
eight, it says "Tribal subsistence economies management.
SPSRAC recognizes and respects the customary and traditional
methods and means of tribal self-management and regulation of
the customary and traditional use of the indigenous renewable
resources, i.e., subsistence economy of tribal membership."
And then it says "SPSRAC recognizes and reaffirms that these

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unwritten tribal subsistence economic self-management and regulatory practices have worked and continue to work, as evidenced by the de facto survival of viable renewable resources down through the ages."

4

5 MR. NINGEOLOOK: Yeah. Thank you. Yeah.

6

7 MR. KATCHATAG: Does that clarify your?

8

9 MR. NINGEOLOOK: yeah, it does.

10

11 MR. KATCHATAG: You know, what this says is
 12 that we, the Council up here, recognize that the tribal
 13 governments have unwritten customs and traditions which
 14 regulate and manage the harvest of subsistence resources by
 15 their membership. And we're, as a Council, are recognizing
 16 that, and saying that this is a viable system within those
 17 tribes and their tribal governments.

18

19 And what I'm saying -- what this document is saying is
 20 that we don't want to add any regulations or anything like
 21 that, or any required that tribal governments to produce
 22 regulations. You know, it's bad enough that we have to wade
 23 through something like this, without having each tribal
 24 government add whatever they might as far as written
 25 regulations. This recognizes that unwritten tribal self-
 26 management has worked in the past and continues to work, and
 27 that we recognize that it works. Unwritten regulation. Does
 28 that answer your question, Albert?

29

30 MR. NINGEOLOOK: Yeah.

31

32 MR. KATCHATAG: Okay. Thank you. As far as
 33 this document, this is a draft document, and you can amend it,
 34 delete it any which way you want. You know, this is a draft
 35 proposal, and you can do with it what you will. If it's the
 36 wish of the Council that nothing be done with it, then nothing
 37 will be done with it. That's -- whatever is the wish of the
 38 body. Any further discussion on the draft proposal from
 39 anyone? Roy?

40

41 MR. OTTON: Yeah, whatever we're going to do, I
 42 guess it remains to be seen pretty soon. But going back to the
 43 words where you've got "cooperative".

44

45 MR. KATCHATAG: Right. Okay. Let me explain
 46 that. The reason that it's written in that form is to provide
 47 you a range of possibilities within the management plan. If
 48 you want cooperative agreements, if you want tribal management,

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then we can strike the rest. That's strictly up to the Council. Whatever is the wish of the body. It's -- does that answer your question? In other words, you're explaining that you didn't agree with the fact that I have "management, co-management -- " actually it's "management-slash-co-management-slash-or cooperative agreement," so it provides the option there. If you want to go with any particular one, then that's your -- the Council's prerogative.

8

9

MR. OTTON: Okay. I understand.

10

11

MR. KATCHATAG: So if there are no further discussions, I'm open to motion.

12

13

MR. KATCHEAK: Mr. Chairman, I move that we don't take any action on the proposal, but we could do it at a later time when we -- after we get a response from the tribal governments who are interested, or from other interest -- tribal governments.

14

15

MR. BARR: Second the motion.

16

17

MR. KATCHATAG: We have a motion and a second. We take no action on the proposal until such time that we have heard from the tribal govern- -- affected tribal governments within the region. Is there any discussion?

18

19

MR. OTTON: Question.

20

21

MR. KATCHATAG: The question's been called. All those in favor of the motion to take no action on the proposal until such time as we have taken -- we have heard from the affected tribal governments within the region, signify by saying "aye"?

22

23

ALL: Aye.

24

25

MR. KATCHATAG: Opposed, "nay"? Motion carries. So that takes care of 7A.

26

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MR. ENINGOWUK: Mr. Chairman?

28

29

MR. KATCHATAG: Yes?

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MR. ENINGOWUK: Can I disturb you for a minute?

32

33

MR. KATCHATAG: Yes.

34

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(Off record discussion regarding travel arrangements)

36

37

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1 MR. LOCKWOOD: Call for a recess.

2

3 MR. KATCHATAG: We'll take a ten-minute recess.

4

5 (Off record) 3:16 P.M.

6

7 (On record) 3:44 P.M.

8

9 MR. KATCHATAG: Since the Council's back, and
~~we~~'re back to order. Before we go too far, if you know anyone
~~that~~ that would be interested in serving on the Subsistence Regional
~~Advisory~~ Advisory Council, there are two seats in the Seward Peninsula
~~Council~~ Council that are open. Seats F and G. F is Leonard Adams and
~~G~~is mine. And we'll discuss that again before we adjourn. So
~~if~~ you know of anybody that would like to apply for sitting on
~~the~~ Regional Advisory Council, have them -- there are
~~applications~~ applications over here at the table. Go ahead and have them
~~fill~~ fill it out and either hand them to Barb or mail them to the
~~address~~ address on the bottom of the front page.

20

21 Back to the agenda, we're on item C. Actually it's
~~been~~ been changed around I think to probably something else, but
~~we~~'re down to regulation change proposals, last meeting. As
~~far~~ far as I know, there was, other than the draft proposal which
~~we~~ just got done discussing, there was only one other official
~~proposal~~ proposal. Is that not correct, Barb?

27

28 MS. ARMSTRONG: I think so.

29

30 MR. KATCHATAG: And that was the one submitted
~~by~~ Roy and Ted?

32

33 MS. ARMSTRONG: Oh, yeah. Okay. It's in your
~~booklet~~ booklet.

35

36 MR. LOCKHART: Is that Proposal 63A, Mr. Chair?

37

38 MS. ARMSTRONG: Yeah. The one on the moose or
~~caribou~~ caribou? Moose?

40

41 MR. KATCHEAK: Caribou and moose.

42

43 MR. KATCHATAG: Moose and caribou. Page 12 of
~~the~~ the booklet. No, that's not it either.

45

46 MS. ARMSTRONG: Fifteen.

47

48 MR. LOCKHART: No, it's page 15, yes.

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1 MR. KATCHATAG: Page 15. Proposal Number 63A.
 2 Proposal submitted by Seward Peninsula Regional Advisory
 3 Council, document number 94-slash-95-dash-63A. 1994-95
 4 proposed regulation, subsection blank-point-25(k)(22); unit-
 5 specific regulations. (ii) unit-specific regulations.

6
 7 For some reason there's a typo in this one, because it
 8 has beaver here.

9
 10 MR. LOCKHART: No. Mr. Chair?

11
 12 MS. ARMSTRONG: Mike can explain that.

13
 14 MR. KATCHATAG: Yes?

15
 16 MR. LOCKHART: Thank you, Mr. Chair. The --
 17 when we develop these proposals, what we try to do is
 18 characterize in the -- what you're responding to is the
 19 proposed regulation that was sent out last September. In that
 20 proposed regulations there's very specific parts that we have
 21 we would have to incorporate this regulation. So where this
 22 would appear would be in the unit-specific regulations for Unit
 23, and that's found at Section 25(k)(22), and what that --
 24 what you have there is just a listing of the existing
 25 regulations that occur in that right now. So it's simply
 26 stated as a part of the -- as a part of what that regulation
 27 section is. And if you look down in your booklet to where it
 28 says "proposal for regulation change," the only thing that
 29 you're actually asking to add is "motor-driven boats and
 30 snowmobiles may be used to take caribou and moose in Unit 22
 31 during established seasons." The other is already on the
 32 books.

33
 34 MR. KATCHATAG: Okay. Does everybody
 35 understand what he's saying? He's saying that this regulation
 36 already on the books, this one here, 1994 proposed
 37 regulation, and then the change that we're doing comes under
 38 "proposal for regulation change," and it's down here on (B),
 39 and he's changed -- or he's incorporated our changed proposal
 40 "add Item (B), motor-driven boats and snowmobiles may be
 41 used to take caribou and moose in Unit 22 during established
 42 seasons." That was the changed proposal proposed by Roy and
 43 Ted.

44
 45 And the reason for changing the regulation that they
 46 gave was that "Animals typically run when a hunter stops the
 47 motor and gets out of a boat, or gets off a snowmobile to shoot
 48 caribou or moose. This can be a problem when hunters get

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limited chance to take meat for their families."

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2 Effect of proposed change on wildlife populations, "No
3 effect, because animal populations are managed by -- are
4 managed by harvest limits anyway. This proposal would not
5 result in more animals being taken."

6

7 On page 16 it continues, effect of proposed change on
8 subsistence users, "Will help subsistence hunters who
9 traditionally use boats and snowmobiles for getting food for
10 their families."

11

12 Additional information, "There is a greater chance of
13 success in taking animals if you don't have to shut off your
14 machine and get off the snowmobile or possibly to beach your
15 boat."

16

17 That is the one proposal which was introduced at our
18 last meeting in Nome in October 1st. Are there any comments,
19 discussion?

20

21 MR. LOCKHART: Mr. Chair, if I might?

22

23 MR. KATCHATAG: Yes?

24

25 MR. LOCKHART: It's unclear to me how you would
26 like to handle this in the process of these proposals. And I
27 guess I just didn't understand that as a part of the agenda
28 that we would be taking this up now. And one of the things
29 that I wanted to try to get across was we need to try to
30 develop a working relationship on how we can address these
31 proposals, which -- what is most comfortable for you in hearing
32 the background information and trying to get our analysis from
33 our staff. So different Councils throughout Alaska have
34 handled these things differently. In some of them, we've just
35 gone right down through the line. Some of them, we've looked
36 at the regional proposals first, and addressed the statewide
37 proposals second. We can take this one up now if you choose,
38 and if you would like to hear staff comments from us in terms
39 of the analysis, we can certainly give that. I just am not
40 clear on the exact procedures in how you would like to handle
41 this.

42

43 MR. KATCHATAG: Well, the way it's written in
44 the agenda is that this is old business,

45

46 MR. LOCKHART: Okay.

47

48 MR. KATCHATAG: because it was introduced

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at our last meeting. As you notice under item C.3, there is a procedure with a question mark. So I'm open to suggestion as to how we want to proceed on this.

3

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MR. LOCKHART: Mr. Chair?

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MR. KATCHATAG: Yes.

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MR. LOCKHART: Again, typically the way that we do that is there's a motion before the Council to adopt a proposal. At that point there's a staff analysis, we present information to you. You can take public testimony, testimony from other agencies. Then you could have discussions on how you would choose to address each one of the proposals. That's characteristically how we've done them. But, again, some councils have felt more comfortable with other ways of addressing it, so it's certainly at your pleasure.

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body?

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MR. KATCHATAG: What is the pleasure of the

MR. OTTON: As long as we can discuss it, I'll along with whatever way.

MR. KATCHATAG: We can always discuss it. Whatever you -- whatever way you feel most comfortable in dealing with it.

MR. LOCKHART: Probably what I would suggest is that we just -- we handle all four proposals in the booklet together, and there's some prelimin- -- some information that I wanted to kind of set the stage for our analysis before we did that. I can do that now as a part of 63 or we can wait and just handle them all when we handle all of the proposals together in the booklet. Your pleasure, Mr. Chair.

MR. KATCHATAG: Why don't we take them the way they're listed in the book, Proposal One, staff analyses, Proposal One. Proposal Two, and so on.

MR. LOCKHART: Are we at that point in the agenda where you want to talk about all proposals then

MS. ARMSTRONG: Uh-huh. Uh-huh.

MR. KATCHATAG: Yeah.

MS. ARMSTRONG: They are.

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1 MR. LOCKHART: Okay.
2
3 MR. KATCHATAG: I don't see it any other place
4 on the agenda.
5
6 MS. ARMSTRONG: Yeah, it says "regulation
7 change proposals" on the
8
9 MR. LOCKHART: Okay.
10
11 MS. ARMSTRONG: agenda right there
12
13
14 MR. KATCHATAG: On the back page.
15
16 MS. ARMSTRONG: he's on 7C.
17
18 MR. LOCKHART: Okay.
19
20 MR. KATCHATAG: As far as I know, the only
21 proposal that we had from our last meeting was the
22
23 MS. ARMSTRONG: 63A.
24
25 MR. KATCHATAG: 63A one.
26
27 MS. ARMSTRONG: Right.
28
29 MR. LOCKHART: Right. Right.
30
31 MS. ARMSTRONG: Yeah.
32
33 MR. LOCKWOOD: Yeah. I think that last --
34 written here would be good additional information. A lot of
35 times when I -- I just slow down my motor, because when I hit
36 the beach when I see a moose, we usually -- we use mostly the
37 in (ph) boats anyway. I try to keep away, my boat away until
38 shoot that moose, because hitting the beach, sand bar or
39 something, they hear that noise and there they go. I just slow
40 down, idle. That's the best way I do it when I go moose
41 hunting.
42
43 MR. KATCHATAG: Mr. Lockhart,
44
45 MR. LOCKWOOD: The tin boats make a lot of
46 noise when you hit the beach. They scare the animal away.
47 Several times I lose my moose that way.
48
49
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MR. KATCHATAG: Thank you, George.

MR. LOCKWOOD: Yeah.

MR. KATCHATAG: Since this item is listed by itself under old business, why don't we just go ahead and handle 63A here and then when we get to the regulation change proposals, which is item number nine, -- I don't know how it got to be item nine, on the second page.

MS. ARMSTRONG: You can just strike out one if you want to. You can strike out nine and work on all your proposals right now if you want to, because that's about the same thing.

MR. LOCKHART: It's probably more efficient to just go through all the proposals at one time, because that way you have a procedure that you develop as you go through it for getting comments and public comments and things like that. So we can either do all the proposals now, it would be better, or we can put them off until you get finished with your other business. Whatever you would like to do.

MR. KATCHATAG: What is the pleasure of the body?

MS. MUKTOYUK: I'd like to recommend that we finish old business before we go into new.

MR. KATCHATAG: We have a recommendation to finish up old business before we go onto new. Any other comments?

MR. BARR: Mr. Chairman?

MR. KATCHATAG: Yes, Mr. Barr?

MR. BARR: I guess there's going to be some people that are going to testify on the proposed change here on those, you know, in our District 22, so there are some people that are

MR. KATCHATAG: Right. Any objection to proceeding with regulation Proposal 63A under old business, and continuing on with the other regulation change proposals toward the end of new business? Oh, I see how that's numbered. It goes eight, nine, ten, 11. So we would -- we would do the regulation change Proposal 63A under seven, old business, and then move on to regulation change proposals statewide under new

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business. Is that okay with you?

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MR. LOCKHART: Yes, sir. That's fine.

3

4

MR. KATCHATAG: Okay. So let's go through 63A. I've already read it. Since you're the staff, you might as well provide the analysis.

7

8

MR. LOCKHART: Yes, sir. If I might just take just a brief minute and kind of preface some of the analysis and where we stand in this whole regulatory process, because it's -- again, it's been very confusing. The -- this is all new for all of us, and we're trying to ensure that there's -- that the communication at these council meetings goes through very clearly.

15

16

As you know, there's -- these proposals were developed in response to the Federal Register proposed rule, which is the mechanism for how we change Federal Subsistence Regulations under Subpart D. That came out September 2nd. There was a 60-day comment period. There was a -- after that we had specific proposals to change the regulations, of which these four that we're going to talk about are four of 88 I believe.

23

24

The public comment period on the proposal booklet ended on January 14th. We have assimilated public comments, which you have before you as well, that address those proposals.

27

28

Right now we're in the process of an extended period of time when the regional councils are meeting, and they're taking up statewide proposals, the two, and looking at those, and all the other proposals that affect their particular regions. Those meetings will end this week with the last meetings from here and Galena and Southcentral.

34

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On the week of March 15th, the interagency staff committee meets, which are representatives from each of the agencies. They will look at the information that the councils have provided, they will look at the public information, they will look at the staff analysis, to develop a recommendation to the Federal Subsistence Board. It's very important that you realize that there are two independent bodies of recommendations that go to the Federal Subsistence Board: the staff committee and the regional council recommendations. They're distinct. Those recommendations will be deliberated by the Federal Subsistence Board the week of April 11th through April 15th. They will make final decisions on the proposals, and will come -- that will lead to completion of a final rule, which is the final regulations as it will appear in the Federal

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Register sometime around April 18th to April 22nd. Hopefully that Federal Register will be published May 27th, and the regulations will be implemented at the beginning of the regulatory year, which is July 1st.

One other thing that -- people are most familiar with the State process here on how they do regulations, and regulations under the State are open for a certain period of time, and they can only be changed by comment. Essentially the Federal regulations, the entire package of Subpart D becomes -- is effective only for a year, and then it essentially goes away and we have to redevelop the whole set of regulations. So that's why you have the proposed rule that comes out.

Are there any questions with this process just so far? It's kind of a thumbnail sketch of how it all works, but it can be pretty confusing.

MR. OTTON: You talked about that you've got staff analysis and then you've got the boards making proposals, and I guess the recommendations will go to the Federal Subsistence Board. Which one carries more weight?

MR. LOCKHART: Well, actually, if you look at by law, the councils carry more weight, because the Council in order for the Board to go against a Council commendation, they have to have specific reasons for doing that, and they have to put it in writing. And to the -- as far as the staff committee, they don't.

But it's also important to keep in mind that the staff committee is going to very carefully analyze how the councils have treated these proposals in coming up with their commendation as well. And they will be looking at the type of information that's provided, and consequently, it's extremely important that as you go through and take actions on some of these things, if you can characterize the rationale for why you're coming to your decisions, that "as a customary and additional practice, that this -- that we do things this way," whatever. The more you can elaborate on that kind of information, the better the record is, and the easier it will be for all the steps in that decision-making process.

But I don't know if that answered that clearly, but I think the Council I think has a little more clout in terms of the regulations that are set forth.

MR. OTTON: Concerning this, we shall see.

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MR. LOCKHART: This is the first year it's been in, and I think the councils are a very strong element that everybody's been hoping to get on board and I think it's like you said, I think we'll see. But I think the councils have a lot of expertise and will be driving a lot of the federal regulations.

Any other questions? Should -- Mr. Chair, then should I just launch into Proposal 63, the analysis?

MR. KATCHATAG: Yes, sir.

MR. LOCKHART: Thank you, Mr. Chair. I'm sorry, we're on 63A.

MR. KATCHATAG: Right.

MR. LOCKHART: Excuse me.

MR. KATCHATAG: Page 17.

MR. LOCKHART: Yes, sir. I'll just kind of briefly try to highlight some of the parts of this analysis, and hopefully make -- break it open for more discussion.

Under current Federal subsistence management regulations, motorized vehicles may be used to search for and approach wildlife. However, wildlife may not be taken from motorized vehicles except from a motor-driven boat if the motor has been completely shut off and the boat's progress has stopped. And we noted that there is an exception that's been in the Federal subsistence regulations from the time that the State regulations were assimilated in our program, and that exception is for Unit 23 where snowmobiles and motor-driven boats may be used for taking caribou.

Now, there was -- this has generated a considerable amount of discussion internally in our office just recently. And it's important to know that a similar proposal for use of motor-driven boats is -- was before the North Slope Council, and which they deliberated on last week. They also identified that they probably would have liked to put in snowmobile use as well, because that -- they consider that to be a customary and additional use for them as well.

The analysis showed that the populations are certainly sufficient for caribou, and that there's probably not going to be an impact, and that the use of a snowmobile, a stationary snowmobile can provide a stable shooting platform, and allowing

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the taking of caribou and/or moose from a moving snowmobile, however, could increase incidences of wounding. So that is a concern.

3

4 And it's very important to note that -- well, actually,
5 guess the way we left it in our discussion before we came
6 down here was we really need to know from you what the
7 intention, or what the traditional uses of motor-driven boats
8 and snow machines are, because we have under the existing
9 regulations another provision which is kind of -- it kind of
10 makes this whole subject a little grey, and that is under the
11 proposed rule and under the existing regulations, we have a
12 section there that says, "using a motorized vehicle to drive,
13 herd or molest wildlife is prohibited." So there's not -- we
14 don't understand in terms of using a snowmobile if the intent
15 is to drive up, to stop the machine and shoot an animal, or if
16 the customary uses that occur is that you drive up along the
17 animals while you're -- while they're running and shoot them.
18 That was not clear to us.

19

20 And in fact when the regulation came before the State
21 and they adopted it, it was clearly articulated to them that
22 although it was identifying the use of snowmobiles was -- that
23 they were identifying that as a customary and traditional
24 practice, their -- the State also had a similar regulation
25 which also prohibited driving, molesting, chasing from a driven
26 vehicle.

27

28 So that's -- it's a little grey area that we're not
29 certain of. And I think the intent is that certainly if you
30 can drive a snow machine up and stop it, then that's one thing,
31 but if it's -- if the snow machine is actually being used to
32 chase down an animal, shoot it from a moving snow machine, then
33 that would be a concern. So that's the part on the
34 snowmobiles.

35

36 Under the motor-driven boat analysis, again staff has
37 looked at that, and looked at some of the other rationale that
38 has been used for this regulation. We've determined that it
39 has -- that a motor-driven boat can provide a stable shooting
40 platform, and we don't think that that would be a serious
41 problem. And we also don't believe that there's as much
42 potential for molesting or disturbing wildlife from a motor-
43 driven boat.

44

45 The only concern that we had, or the only thing that we
46 wanted to bring up as an issue is that all navigable waters in
47 Unit 22 are still under State of Alaska jurisdiction.
48 Consequently, passage of this proposal would not make it a

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legal practice in Unit 22 under the current regulations. And this same -- a similar proposal was before the Federal Subsistence Board last year for Unit 21. That proposal was rejected by the Federal Subsistence Board, again for the purpose of -- for the reasons that the -- all the waters in Unit 21 are navigable and are not under federal jurisdiction.

6

7 So in conclusion -- I'm sorry?

8

9 MR. KATCHATAG: Does -- excuse me,
10 Mr. Lockhart, does -- in light of the Holland ruling, does that still apply?

12

13 MR. LOCKHART: It applies right now. Nothing has been reached on the decision. Oral arguments are going to be before the Court on March 18th. And I think that's -- it's something that still has to be decided, and will -- it could change the whole face of this proposal if in fact the judge ruled that navigable waters should become under federal jurisdiction. I have no idea how long this court process could last for something like that. And whether the -- Almost certainly there will be appeals that will come out of that.

22

23 In conclusion, we agree that the caribou populations are certainly high enough, and probably there wouldn't be a biological concern for caribou. There are biological concerns for inadvertent increased loss of moose that could result from taking animals from motor driven vehicles through wounding.

28

29 And I guess that's really just about it. I kind of briefly went through this and hit some of the high points, and I can certainly go back and I have some of the information in terms of specific population data from a biologist, if you'd like to get into bull/cow ratios and the survey dates and things like that that we have for moose and caribou in Unit 22.

35

36 MR. KATCHATAG: Well, Mr. Lockhart, under discussion, you point out that the only exception is in 23, Unit 23, where snowmobiles and motor-driven boats may be used to take caribou. The rationale that we used for adopting this particular changed proposal was that you could be hunting in Unit 23, and in the process end up in Unit 22, and the idea for the rationale that we used was that it seems ambiguous that you could be doing something legally in 23 and then unknowingly travel into 22 and be cited for a violation.

45

46 MR. LOCKHART: I think

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48 MR. KATCHATAG: What's the rationale for

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allowing it in 23 and not in 22?

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MR. LOCKHART: The -- and this goes -- this predates actually the Federal subsistence regulations, but those -- the regulation that permitted use in Unit 22 (sic) was in response to a proposal by people in Unit 22 (sic) that -- to acknowledge this as a customary and traditional practice for taking those animals. That's why it shows up like that.

8

9

We have very -- we have specific -- unit-specific regulations for -- throughout Alaska that address issues that, you know, would affect the customary and traditional use for that unit, and may not affect other units. So that's the rationale, but, you know, it's the same justification that the people in Unit 26 forwarded a proposal, because they engage in the same types of customary and traditional practices that the people of Unit 23 do.

17

18

MR. KATCHATAG: You know, the main reason that we adopted this proposal is that the moose or caribou ain't going to wait for your boat or your snow machine to come to a stop. And George mentioned that as far as boats are concerned, as soon as your -- and the majority of people around here have aluminum boats, whether they be launch (ph) or something else. As soon as that boat hits the gravel, that animal is going to be gone like that.

26

27

And you also mentioned under the last sentence of your discussion, it says, "despite current regulations, the taking of caribou and moose from snowmobiles and motor-driven boats is an on-going practice in Unit 22." Now, you allow an exception in 23. You say it takes place in 22, but yet the discussion says that -- it's ambiguous to me, because you're explaining that it takes place in 23, it takes place in 22, but it's illegal in 22, just because the regulations are different.

35

36

What we were trying to do was make the regulations for both units the same so that you don't end up breaking the law by travelling from one unit to the other.

39

40

MR. OTTON: Yeah. And also, what we attempted to do was to do as written, we're doing it illegally, you know, just put it on paper to say to shoot a moose from a boat to make it legal, you know, which we're doing anyway, you know. A moose isn't going to stop from going around a bend hunting a moose, they will go around a corner bend and they hear the motor, and the moose is running already, you know, or before -- usually sometime they would stop before they just going through the willows. And you ain't got time to jump off your boat, or

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park the boat, jump out. Your other choice is to just jump into the water, wouldn't you know, only a fool would do, you know, so we choose to break the rule as written, or to fix the rule to make it right for us, you know.

4

5 MR. LOCKHART: Yeah. Mr. Chair, let me just
6 clarify one thing that I didn't go through. If you look at the
7 top of the pages on these, for all the proposals, they're
8 marked "draft". And this is a preliminary analysis that we did
9 in recognition that a lot of the information that you had, the
10 expertise that you folks provide needs to be incorporated into
11 these drafts. This information that you're giving us all right
12 now on the record is something that we'll go back and utilize
13 as a part of our continuing analysis before the staff
14 committee, and ultimately to the Board. So that kind of --
15 what you're talking about is the kind of critical information
16 that we need to know in how we treat this. This is not a --
17 this is supposed to be an objective analysis of the things that
18 can be wrong with the proposal, and the things that are right
19 with the proposal. I think we all acknowledge that it's a
20 customary and traditional practice that people have used as
21 long as they've had boats. And we're not saying that that's
22 bad or good. There are some high sides to that and there are
23 some low sides to that.

24

25 MR. LOCKWOOD: Mr. Lockhart,

26

27 MS. MUKTOYUK: I'd like to make a comment,
28 what

29

30 MR. LOCKWOOD: Excuse me.

31

32 MS. MUKTOYUK: Our people used to use skin
33 boats and kayaks even before we had the aluminum boats, so what
34 difference does it make if it says a boat, unless you clarify
35 the definition?

36

37 MR. LOCKHART: The concern, Loretta, was that
38 the use of motorized vehicles were -- I mean, you can use a
39 canoe, things like that, but the regulation was -- as
40 originally put in was a concern for people harassing wildlife,
41 harassing them with motorized vehicles of any kind. So that's
42 why it sits in the regulation like that. But certainly for
43 hunting moose under these circumstances, a motorized vehicle --
44 a motorized boat, there's been some recognition by our staff that
45 that's more stable if you have a boat under power in the
46 current a lot of times than if you just let it drift. And if
47 the forward progress is stopped, sometimes you're going
48 backwards.

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1 MR. LOCKWOOD: Mr. Chairman?

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3 MR. KATCHATAG: George?

4

5 MR. LOCKWOOD: I'd like to -- I think on this
6 snow machine and outboard motor on boats, when we go to any
7 caribou or moose, the main thing is to get them idle or stop,
8 we can shoot currently on a running snow machine or outboard
9 motor. They should be idling. If you stop them, they just
10 idle, do nothing on boats or snow machine or outboard motor, or
11 stop. We'll know just what to do, if it's -- if we have a
12 chance while we're just idling, we'll idle them, and if we see
13 an animal that we can stop the motor, we can -- it really
14 depends on the -- who's in the boat or snow machine. A lot of
15 times, we can just idle them. That -- when you idle that, you
16 know, boat or snow machine stop then, and you can just quickly
17 come out and shoot your animal.

18

19 MR. LOCKHART: It would be

20

21 MR. LOCKWOOD: That's just my idea.

22

23 MR. LOCKHART: Well, I think that's very good.
24 Again, that's good information that we need to know, and I
25 think, you know, going back to the heart of this part of the
26 issue where we have one regulation that says using a motorized
27 vehicle to drive, herd or molest wildlife is prohibited, you
28 know, to me how do we balance with use of a snow machine is
29 authorized for taking moose and caribou? You know, it's -- if
30 somebody reads those two regulations, the intent of that's not
31 really going to be understood on what you can do with snow
32 machines, so we need to clarify that somehow. And I'd like to
33 really get a sense from you people as the Council on what kind
34 of problems that regulation has, both regulations, with using a
35 motorized vehicle to drive, herd or molest wildlife. Does that
36 regulation -- the essence of that regulation cause a problem
37 with your customary and traditional uses?

38

39 MR. KATCHATAG: I don't think so. I think most
40 people are against using any kind of vehicle, motorized or not,
41 to drive, herd, or otherwise molest wildlife. You know, one of
42 the things that I'm not sure you're aware of, but that if you
43 chase an animal, the quality of the marrow changes. And if you
44 chase an animal hard enough, some of the internal organs
45 change. And not for the better. If you're hunting for food,
46 which most of us do, then you're not likely to be just for the
47 quality of the product that you're looking for, you're not
48 going to be chasing the animal or harassing or molesting it

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before you kill it. You want the most peaceful animal that you can get, because then the quality of its flesh is better. In other words, in the cattle yard, they don't chase them around the yard before they kill the damn thing, right?

4

5 MR. LOCKHART: Right.

6

7 MR. KATCHATAG: They walk them through a shoot
8 and kill it dead,

9

10 MR. LOCKHART: I think

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12 MR. KATCHATAG: is my understanding, you
13 know.

14

15 MR. LOCKHART: I think given -- under those
16 kind of -- acceptance of those principles, that the staff
17 certainly amongst -- as far as our recommendations, have no
18 problem with the use of a motorized vehicle or a snow machine,
19 if you stop the snow machine, you're resting the gun on it for
20 taking the animal. That's what I was trying to really find out
21 if that's what you are intending with this proposal in terms of
22 authorizing that use.

23

24 UNIDENTIFIED: Mr. Chairman?

25

26 MS. MUKTOYUK: We don't intend to harass the
27 animals that we want to hunt. We've been taught ever since we
28 were young, never to harass any kind of animal, especially
29 wildlife, 'cause they said that if you -- you know, what my
30 grandmother used to tell me was that if you harass the wild
31 animal all the time, one day when you're out hunting by
32 yourself, the animals are going to get you. That's the way we
33 were brought up, never to harass any kind of wild animal.

34

35 MR. LOCKHART: You can see though from the
36 point of when you just say "use of a snowmobile is authorized,"
37 doesn't really put those sideboards on there, "don't harass
38 the animal," but with that clear understanding, I think we
39 could change that wording so that you could -- you know, you
40 can allow use of a snowmobile and a boat, motorized boat, but
41 still insure that the intent of the regulation is not to permit
42 people from running animals with those devices.

43

44 MR. KATCHATAG: Well, do you have any suggested
45 language?

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47 MR. LOCKHART: Well, I think this one would
48 probably -- could probably stand alone. There's no change --

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there's no recommendations for a proposal to change that, using a motorized vehicle to drive or molest. What we'd suggest is maybe just adding on to further define what you have, and I -- we don't have any suggestions at this point, but just thinking about it, you could just put a semi-colon after your proposed 5- your addition there, and just say, you know, that these methods -- you cannot use boats, snow machines for herding, harassing or chasing. Just -- it would be a re-emphasis so that there wouldn't be any confusion in the regulations. We could work -- we could massage those kind of things. I think the real important thing is that we get the principles, the ideas of what the machines are actually needed for here. And we can certainly work out the intent, you know, with the Council.

14

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MR. KATCHEAK: Mr. Chairman, I'd like to make a couple of comments or, you know, questions. I have a question first. In your mind there you think it would be acceptable if we changed that motor-driven boat, that it could go on a -- you could use it, even if it's running -- okay. You're using a snow machine to hunt caribou, and then you stop, but you leave the snow machine running, just in case that caribou started to run off, or is still going, you know. Most of the time the caribou is still moving, and you stop, and you shoot. Sometimes you hit and sometimes you don't. So in the meantime, the caribou is still running and you get further -- go in front of it to stop it and then shoot it again. I've seen it happen all the time, so that is one of the reason why we made this language that we could use the snow machine, but the problem was when we could use a snow machine and shoot from the moving snow machine, which is probably not acceptable, but I've done it myself several times where I went after the snow machine -- the moose or caribou. I go in front -- around it, and it will stop, so I get off the snow machine and shoot it, even though the snow machine is still idling.

35

36

MR. LOCKHART: Uh-huh.

37

38

MR. KATCHEAK: I leave it on so if it run away again, in a different direction, I'll go after it. So because of this introduction of the snow machine, we're -- we got away from the traditional use where we had to go around. If it's a moose in the river, we walk around the river in the trees to flush that moose out. But nowadays we have -- we don't have that. We go around and if we have time, we'll flush the moose out, flush it out and then go after it by snow machine to stop it, and then shoot it.

47

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Now, to totally do away with the use of the snow

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machine, I feel is not going to help us. It's just going to make it harder for us if we have to get off on the side of the river, if a moose is way out there, we have to go after it on foot, and a lot of time when the moose is -- when they're going after the moose inside the river where the trees are, it will go around in a circle, and you're going in circle. A moose would notice that you're following him. So whenever the moose is flushed out of the main river where the trees are, then we just go after it to stop it. We don't go molesting it, because it's, you know, that

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MR. LOCKHART: Well, Mr.

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He's going to have to hunt the garbage (ph) and that. We better hunt for him." So this is the way we do it, even when we're hunting seal. If we're hunting seal in the rough water, the seal head is smaller than a moose. It will be going up and down, and we still shoot that seal and get it. A moose is a big animal, and we know how to get that animal by -- even if the boat and the motor is running. If it's there, we'll kill it, you know. That is the way the native people hunt. We can't -- we can't hunt the way the laws are written. We just won't survive the way your trying to tell us how it should be done. That is my feeling I've been trying to get out for a long time. Thank you.

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MR. KATCHATAG: Thank you, Mr. Iyatunguk.

MR. Olanna?

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MR. OLANNA: Yes, I'd like to make a comment, I really agree on when you're trying to pass the draft proposal for the betterment of the program. But when you get swayed by public opinion, because some over-zealous animal rights activist decides that the wolf is an endangered species, and that person doesn't know what he or she is talking about from down in the Lower 48. And this agency get swayed and decides, well, we can't hunt wolf no more. I -- there's -- it's all right to regulate, but when you get swayed by public opinion, I think that there's something wrong there. If you -- if you just refer -- I'm referring back to last year when all this public opinions that came from getting wolves for a while.

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29

MR. KATCHATAG: Thank you, Mr. Olanna. George?

30

31

MR. LOCKWOOD: Yeah. Going back to this motor-driven boats, I've heard a lot about hunting up north, further up north around Kotzebue or further up. They wait until the caribou start swimming across. They don't stop their motor, they just follow real easy and get to shoot around this different -- that's on their area. That's their trouble (ph).

37

38

And then a lot of times at home when they go out moose hunting, there's two in a boat, one in the front already with his rifle and whatnot. And I don't see them how they get their moose, but I know they got good chance of get their moose in case he's on the sandbar, because they can haul the boat right straight to that animal a while and they try to get it.

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I think this -- if it should be written, it has to be at least known how we hunt. It will be better. And anybody that goes out hunting, when they're going to miss some animal, they don't bother to shoot or anything like that. He can stop

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his motor or idle his motor or anyway to get the animal. When there's two in a boat, they get more chance of getting their animal just like that. We're trained how to shoot an animal with a rifle.

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5

MR. KATCHATAG: I think in the interest of expediting things, we're trying to get out of here and all done by a quarter of seven, because Bingo is going to be coming at seven, so he had suggested some possible language, and I would suggest that we leave the original suggestion, "(B) motor-driven boats and snowmobiles may be used to take caribou and moose in Unit 22 during established seasons," and take the period off and put a semicolon there, and continue, "the use of snow machines," or snowmobiles, however -- okay, it's written as snowmobiles, "use of snowmobiles and boats as stable shooting platforms is allowed as long as they are not used to drive, herd or molest wildlife." Does that satisfy your concerns?

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MR. LOCKHART: Yes, yes. Thanks.

20

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MR. KATCHATAG: In other words, the way this is written, you could sit there on your machine, whether it's -- the engine's running or not, and shoot the animal, or, you know, just getting your boat as you were saying, to hold it still in the current, and shoot the animal, but you're not herd- -- you're not allowed to drive, herd or molest.

27

28

MR. LOCKHART: I think that was a big concern of a lot of the staff when they were discussing this. The interpretation from some of them was that it would -- it would be allowing a snow machine to actually ride up on a herd, chase a herd, shoot them from it. And that was never the intent in the original regulation that they -- that our staff didn't understand. So this is very good.

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MR. KATCHATAG: So do you think they would understand that

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MR. LOCKHART: Yes.

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MR. KATCHATAG: as far as being the intent of the Council?

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MS. ARMSTRONG: Uh-huh.

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MR. KATCHATAG: Does the Council agree to the wording? I'll reread it. If you look on page 15, it says -- right in the middle it says in shaded print, it says, "(B)

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Motor-driven boats and snowmobiles may be used to take caribou and moose in Unit 22 during established seasons." We would take the period off, put a colon, and continue, "use of snowmobiles and boats as stable shooting platforms is allowed, as long as they are not used to drive, herd or molest wildlife." And I think that that's in keeping with the regulation which does not allow that. Does that -- is that acceptable to staff?

8

9 MR. LOCKHART: I think that's -- I think that's
a0very good recommendation.

11

12 MR. KATCHATAG: Any comments? Discussion?

13

14 MR. LOCKHART: Mr. Chair?

15

16 MR. KATCHATAG: Yes?

17

18 MR. LOCKHART: Again, the only thing for
a1parity is that I just want to make sure that you understand
a2that even passage of this proposal without this court decision
a3going the other way, that the thing that we worry about is
a4having this on the regulations and somebody goes out there and
a5tries to hunt under ours, and the jurisdiction is not there.
a6we're concerned about placing people at increased risk by
a7having dual regulations, but that other -- the court case would
a8have to have occurred before it can be legal to use a boat on
a9the river. So that's just the only point I wanted to just make
a0re again.

29

30 MS. ARMSTRONG: And this would be on the
a1federal lands. The State wouldn't

32

33 MR. LOCKHART: And nonnavigable waters on
a4federal lands. It's hard to get a boat up anyway.

35

36 MR. OTTON: Yeah. I didn't expect comments
a7from like this -- we're only dealing with Game Unit 22, and
a8then here we've got the Alaska Bow Hunters Association,
a9Incorporated, from Anchorage, and then we've got Golden North
a0Archery Association from Fairbanks, and they've more or less
a1got the same identical opposition word for word, and we've got
a2another guy from Tok, you know. Are these archers and bow
a3hunters coming to our region to hunt moose and, you
a4now,?

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46 MR. LOCKHART: They -- Mr. Chair, they
a7essentially commented on every proposal, and they are very --
a8they're -- the gist of their -- the opening part of their

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letter was that they wanted the Federal regulations to conform with the State regulations. So when you see a response like that, it's generally in regard to that. They just -- They would rather the State regulations apply.

4

5 MR. OTTON: You know, if the State of Alaska had chosen fit to change the Constitution to satisfy ANILCA, the State of Alaska wouldn't have to worry about the Federal regulations complying with the State regulations, you know, so

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11 MR. LOCKHART: It's unfortunate, but that's what we live with right now.

13

14 MR. KATCHATAG: I think for the record at this time, I would like to read into the record the summary of public comment about proposed regulations, proposed changes to 1994 Federal subsistence regulations. This is one thing that I think most of us are relatively new to in that if we had known that written comments are acceptable and would be read into the record, that I think we would have encouraged people within Unit 22 to write comments in support of our proposal. And I think that this is a recommendation that we should all bring back to our villages, so that any time that we make proposals in the future, that we make sure that our constituency, those people that we represent, that they write written comments in support of our position.

27

28 As you can see, I don't know if anybody -- everybody has a copy of this or not, but at the back it says, "In support of Proposal 63A, no written comments submitted," and then it says, "In objection to written -- Proposal 63A," you have comments from Carl Rosier, the Alaska Department of Fish and Game, and as Roy mentioned the Alaska Bow Hunters Association and the Golden North Archery Association, and also somebody named DeSpain from Tok. So technically I guess if we were to go by written comments, we would have been shot down in -- with this proposal, because we had none in support and four against.

38

39 MR. OTTON: If the State of Alaska, or if the Federal Subsistence Board and staff, the Federal Subsistence Board was to look at these objections to Proposal 63A, I guess they would look at Alaska Department of Fish and Game's comments by Carl Rosier, and probably weigh it, right?

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45 MR. LOCKHART: They're -- all the public comments are weighed, and the Alaska Department of Fish and Game will have a liaison at the Federal Subsistence Board to talk about their positions.

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1 I should say, you know, that there's an intent to try
 2 to keep the regulations compatible where it fits, but over the
 3 last -- the course of the last two years, our regulations have
 4 been getting further and further apart, because as we have been
 5 trying to accommodate some of the customary and traditional
 6 needs, we've been getting further apart from the State. The
 7 State has a different regulatory process. They change their
 8 regulations, and sometimes we don't change ours, so

9

10 MR. OTTON: Okay. The Federal Subsistence
 11 Board take -- there's a comment period for these regulations.
 12 The State of Alaska has put in comments. Is there any route
 13 for them to add on additional comments?

14

15 MR. LOCKHART: No.

16

17 MR. OTTON: Well, let me do -- what about the
 18 comments we take toward the comments what they made? Can we
 19 shoot them down?

20

21 MR. LOCKHART: You certainly can here. I mean,
 22 this is a part of the record that goes into the analysis that
 23 we'll have, at least for the staff committee analysis, you bet.

24

25 MR. OTTON: Okay. I find it -- on the
 26 Department of Fish and Game's, Rosier, on the first paragraph,
 27 he states that in '89 there are 7,000 animals, and then he
 28 says, "Recent data gathered from statistically valid census
 29 have prompted us to reduce that estimate to 4,000 to 6,000
 30 moose." I find that kind of hard for me to understand, if they
 31 say "statistically valid census," if they have a statistically
 32 valid census, then they would not have a 2,000 moose difference
 33 from 4,000 to 6,000, you know. It should have been a set
 34 number, you know.

35

36 And then in the second paragraph he says, "In an effort
 37 to reverse this decline and stimulate population recovery,
 38 proposed regulations were approved by the Alaska Board of Game
 39 in recent years to reduce to one month the antlerless moose
 40 season in Subunit 22B and 22D." I don't think the hunters in
 41 these two subdistricts worry too much about cutting back a
 42 month of hunting antlerless moose in winter, because it is our
 43 customary and traditional time to hunt moose in the fall time,
 44 and we only hunt the bulls when they are fat. And that -- we
 45 don't worry about the females. We leave them for breeding
 46 purposes only. So that -- I think that -- I would like to
 47 comment on that.

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And then on the second part, "and places an accurate
moose size and bulls only restriction on nonresident hunters."
That's fine with us, because as you know, the trophy hunters
are only going after the big moose, and, you know, that's what
it says, and, you know, we've got no -- nothing wrong with --
no problem with that.

6

7

MR. KATCHATAG: Mr. Lockhart, if you read that
first paragraph of the Fish and Game's comments, it looks to me
that the Fish and Game Department has reduced their estimate,
is that not correct? Is that not a proper reading?

11

12

MR. LOCKHART: Well, I don't think anybody from
the Department's here, and I wish they were, but it's hard to
say what their -- the original estimate when they say "over
7,500 animals" consisted of. That could have been -- they have
various aerial survey techniques that they employ. The one
that they have that they use standardly now is kind of an
accepted survey. It's called a Gazaway (ph) survey, which they
do samples over certain transect lines and they have some
statistical way of trying to determine how many animals are
there. And when you see 4,000 to 6,000, that constitutes what
they consider a confidence level. They do have a number, but
when they talk about the statistical validity of it, it's that
number plus or minus a lot of others, and that's a pretty wide
range. So it's

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MR. KATCHATAG: Mr. Lockhart, that still does
not answer my question. It says, "Prior to the winter of 1989,
we estimated the Unit's moose population in excess of 7,000
animals." In the very next sentence, it turns it around and
says, "Recent data gathered from statistically valid census
have prompted us to reduce that estimate." In other words,
whether or not hunting pressure was there or not, the Fish and
Game itself is reducing its numbers. They're not saying that
there has been any increase in mortality or anything to that
effect. They have said they have changed their way that they
come to a number for the census.

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MR. LOCKHART: I think I understand what you're
saying, and you may be absolutely right. It may just be a
defined census, that they're saying, "Well, we misjudged,

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MR. KATCHATAG: Right. Right. Okay.

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MR. LOCKHART: and now it's a lower
number."

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MR. KATCHATAG: Okay. Now, they're taking

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their misjudgement, and if you look at the first sentence of the second paragraph, they're taking the revision of their numbers and saying that that's a decline.

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MR. LOCKHART: Okay.

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MR. KATCHATAG: It says, "In an effort to reverse this decline and stimulate population recovery." Now, the first paragraph, they say that they changed their estimate from 7,000 down to between 4,000 and 6,000, and in the very next paragraph they're turning around and saying that "this decline". It's not a decline, to my way of thinking. Yes, sir?

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MR. ADKISSON: Mr. Chairman, maybe this

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COURT REPORTER: Would you come up to the microphone, sir?

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MR. ADKISSON: My name is Ken Adkisson with the National Park Service.

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COURT REPORTER: Would you come up to the microphone. You have a softer voice. Thank you.

25

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MR. ADKISSON: Yeah. My name is Ken Adkisson with the National Park Service. Just as a point of information, only since Bob Nelson or no one else from the State is here, basically my understanding of the situation from talking to Bob is that they basically go out and do these moose census in different subunits of 22 on an order of about every four or five years, and that basically what they have found looking at the numbers prior to 1989, compared to recent numbers is that there has been a decline in the number of moose on the order of possibly up to about 50% in 22B and on the order of somewhere around 30, 33% for 22D. So they're concerned that there has been an actual decline in the number of animals, as well as concern I guess with the bull/cow ratios and recruitment ratios and things like that.

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MR. KATCHATAG: I can understand that, but that's not what they say

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MR. ADKISSON: Yeah, that's

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MR. KATCHATAG: in their written comments.

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MR. LOCKHART: Yeah, I think, Mr. Chair, you're right, the way that that comment is written, it may be a little confusing, but the information that as he just talked about, there is a little more detailed data that we have from the biological side of it, and they do look as an indication like bull/cow ratios and calf recruitment and things, and there is a general trend towards a decline, particularly in 22D. I think that 35% is what I have down here.

8

Now, you know, admittedly a lot of the information is hard to gather and they can't get a real good population fix. A lot of times they have to look at a trend over a large number of years, so I wish that somebody from here with the Department was -- who's more familiar with the information that they're doing. I understand they're doing surveys right now, this week, in some of Unit 22. But I think it's probably safe to say that there's a -- as we characterize it, the population is generally stable, and it may be decreasing it, and we -- depending on the unit within -- the subunit within Unit 22D.

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MR. KATCHATAG: But that still doesn't

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MR. LOCKHART: It's just -- you're concerned about the wording.

21

MR. KATCHATAG: it still doesn't answer my concern, because their wording says that they reduced their estimates. They're not saying that there was a mortality there. They're not saying that hunters killed more moose. They're saying that the way they arrive at these estimates changed, and therefore the population is supposedly more accurately estimated at between 4,000 and 6,000 animals, and then in the very next sentence, they say that "because of our revised estimates, we're calling this a decline, and therefore we're enforcing stricter regulations." I think that they have an obligation as the lead agency for the management of fish and game for the State to be a little bit clearer in how they present their case. And I'll bring this to Mr. Rosier's attention the next time I see him, but just on the face of what he has presented here, I, you know,

24

MR. LOCKHART: Yeah, I -- and again, Mr. Chair, you're just looking at a summary. I think you do have the packet, the long -- the entire letter I believe is there on your table somewhere.

25

MR. KATCHATAG: It must be this. Oh, they're already labelled, huh? Okay. For the benefit of the Council, all these comments that have been mentioned in this document,

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they're all available here in this group of documents. And if you look on the left of the written comments, it has a code there, and as to where Fish and Game's comments are, on page three, it says "016C". And if you look in this group of documents here, 016C is a Fish and Game document. So in other words, this is an excerpt or a summary of this particular document?

7

8 MR. LOCKHART: Yes, sir, that's correct. I'm
9 sorry I didn't bring that to your attention earlier.

10

11 MR. KATCHATAG: Okay. I appreciate that.
12 Well, now that we know where we're not -- no, I'm being
13 facetious. What is the pleasure of the Council? I have
14 proposed some additional wording, which Mr. Lockhart has stated
15 is more acceptable than what was originally proposed. What is
16 the pleasure of the Council? I would entertain a motion?

17

18 MR. OTTON: Reread the motion.

19

20 MR. KATCHATAG: There is no motion.

21

22 MR. OTTON: Well, I'll make the motion if
23 you'll read it.

24

25 MR. KATCHATAG: Okay. Mr. Otton has made a
26 motion to incorporate the language I suggested as additional
27 language. We would keep the original proposed change, that
28 being "(B) Motor-driven boats and snowmobiles may be used to
29 take caribou and moose in Unit 22 during established seasons,"
30 semicolon, and we will add the semicolon and the following:
31 Use of snowmobiles and boats as stable shooting platforms is
32 allowed, as long as they are not used to drive, herd or molest
33 wildlife, period," end of quote. That is the motion before the
34 Council. Do I hear a second?

35

36 MR. BARR: Second.

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38 MR. KATCHATAG: It's been seconded.

39 Discussion?

40

41 MR. KATCHEAK: Question.

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43 MR. KATCHATAG: The question's been called.
44 All those in favor of the motion before the Council signify by
45 saying "aye"?

46

47 ALL: Aye.

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MR. KATCHATAG: All opposed, "nay"? Motion passes.

MR. BARR: Mr. Chairman, I've got ten minutes I've got to go call my lawyer. May I be excused for ten minutes?

MR. KATCHATAG: Yeah. The vice chair has been temporarily excused for a pressing phone call. Before we move on to C, why don't we take about a ten-minute break?

(Off record) 4:50 P.M.

(On record) 5:07 P.M.

MR. KATCHATAG: Call to order. I had originally thought that we would go on to the Marine Mammal Commission, but talking it over with staff, I think we'll just go ahead and do all the proposals now and get them out of our hair. So we'll continue with the proposals under new business, item 9, and just go through the proposals that we have in our book, beginning at number one.

MR. LOCKHART: Okay. Mr. Chairman, do you want me to just go ahead and take from there then?

MR. KATCHATAG: Yes, sir, Mr. Lockhart.

MR. LOCKHART: Proposal One is by the Alaska Department of Fish and Game. And the essential elements of this proposal is to make them consistent with existing State regulations. In June of '93, the State of Alaska adopted a regulation to allow for the same-day-airborne taking of fox, red fox, coyote, wolf or lynx, if the person is over 300 feet from the airplane at the time of the taking. And also I should say that this is -- this would be done under a trapping license.

There had been previous regulations which allowed the taking of wolves and these other four species under a hunting license, however, in 92/93 the federal -- the State and the Federal Subsistence Board withdrew those regulations in anticipation of the development of the State wolf management plans. However, more recently federal managers have been more concerned about same-day-airborne methods and the possibility of increasing potential violations of use of aircraft under existing Federal subsistence regulations, again going back to that same using a motorized vehicle to drive, herd or molest wildlife, which is prohibited. And we have another regulation

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called the airborne hunting act, which is very clear that you cannot in any way use an aircraft to harass or disturb wildlife.

3

4 Under our discussion we determined that in looking back at the evidence that we have, the harvest data, we found that same-day-airborne is an extremely effective tool for taking wolves. During the years of 1990/1991, and 1991/1992, there was -- same-day-airborne was allowed for hunting wolves, and it was restricted to 11 units and required a registration permit, so there was good data that resulted from that. The same-day-airborne methods accounted for approximately 40% of the total harvest, wolf harvest taken in the 11 units over both years.

13

14 Current information suggests that wolf populations are stable over most of Alaska and may be increasing in several units. However, there are some units where wolf populations are still at pretty low levels.

18

19 We determined that it probably was not a biological concern for allowing the taking of wolves or these other four species with same-day-airborne. And in fact the staff really has recommended that there are some -- well, because there are some value issues associated with this in the use of aircraft for taking wildlife that are very difficult to deal with. There's also some legal aspects of that for consideration. So our basic suggestion to the Federal Subsistence Board is that they examine through the Council process whether or not use of aircraft constitutes a customary and traditional practice for taking wolves and these other species, and what effect this regulation passage or opposition to this proposal will have on subsistence users. And we suggested that ultimately the Board may have to rely solely on that kind of information and/or existing policies to come up with a final decision on this proposal.

35

36 The -- I'll just go back again, the proposed rule, which was issued in September, the existing regulation allowed for same-day-airborne taking of the four species, the arctic fox, red fox, lynx and coyote from -- with a hunting permit, and the Board chose to eliminate that from the proposed rule in anticipation of these policy and legal issues. So that was the foundation of why you saw a change in the regulations. And the State subsequently changed their regulations to expand the authorization of use of aircraft under a trapping license, and that's the essence of their proposal.

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47 Again, that's a very brief analysis of this. I'd only offer other information in that the councils that have

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addressed this to date, most of them have been opposed to using aircraft for taking of these species, and there are two councils, however that have recommended adoption of this proposal. And one of those in particular has used aircraft pretty extensively I guess for taking furbearers.

5
6 MR. OTTON: Who are the two councils?

7
8 MR. LOCKHART: It was the Kodiak/Aleutian Council and the Bristol Bay Council. The North Slope, Kotzebue, Southeast -- which other one?

11
12 MS. ARMSTRONG: Northwest Arctic.

13
14 MR. LOCKHART: Northwest Arctic, have voted in opposition to it. And some of those have stated their concerns about it, it was not a customary and traditional practice in their unit, in their regions.

18
19 MR. KATCHATAG: The Kodiak/Aleutian and what was the other one?

21
22 MR. OTTON: Bristol Bay.

23
24 MR. LOCKHART: Bristol Bay Region.

25
26 MR. KATCHATAG: They've got no wolf down there. Just kidding. It sure sounds like a pretty affluent subsistence hunter to me.

29
30 MR. OTTON: Yes. Customary and traditional?

31
32 MR. LOCKWOOD: May I say something on that?

33
34 MR. KATCHATAG: You know, one thing -- one comment that I have regarding this is the fact that all we have here is a staff analysis. Oh, I'm sorry. I'm sorry. My mistake. I missed a page.

38
39 MR. LOCKWOOD: Mr. Chairman?

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41 MR. KATCHATAG: Yes, George?

42
43 MR. LOCKWOOD: May I mention something about this airborne? I think this here airborne hunting is altogether different. It seems to me it's new to me, and then taking an aircraft up in the air to see animals, they've got more chance of seeing animals who are trying to hunt on the ground like snow machine or dogs -- dog team. And I really

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can't say about that hunting, aircraft hunting. I don't know much about it. It's a newly -- a new way of hunting to me. You've got better chance of getting your wolf or moose or caribou or whatever you go after if you can see it from the air, and just know where it is and where he's heading. I think they should have their own area away from the ground -- on the ground hunters. They're trying their best to see, get their animals like wolf and wolverines and fox, whatever. It would be too easy with air. Seeing from air.

9

10 MR. KATCHATAG: And not only that, but you can cover umpty-ump more area with an airplane than you can with a snow machine or a dog team.

13

14 MR. LOCKWOOD: And on top of that, they can cover a big area in no time while the ground hunter's trying to make it at least 50 or 60 miles, they can go hundreds of miles with their aircraft. I don't worry much about this aircraft airborne hunting.

19

20 MR. KATCHATAG: Any other discussion? Loretta?

21

22 MS. MUKTOYUK: I myself disapprove of this airborne hunting, because it would have advantage over native people that do make a living also by trapping for the silverine, fox, coyote and wolf or -- and lynx. They have a better advantage over native people that use their airborne.

27

28 MR. KATCHATAG: Any other

29

30 MS. MUKTOYUK: And when you live in a rural area, trying to make money, you have to work twice as hard than when you live in an urban area. And when you sell that fur, you're using the money to buy food and clothing for your family, supplemental income to cover your grocery bills, your oil bill, light bills, and for growing children you always need to buy clothing for growing children. This would take a lot of income away from people that live in the rural area.

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39 MR. LOCKWOOD: Yes, ma'am.

40

41 MR. KATCHATAG: Any further discussion?

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43 MR. LOCKWOOD: Yeah.

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45 MR. KATCHATAG: George?

46

47 MR. LOCKWOOD: Yeah. You have rules and regulations, Fish and Wildlife on that airborne?

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1 MR. LOCKHART: Well, the proposed -- the way
 2 that we're -- the proposed regulation would make it illegal for
 3 baking -- for hunting anything the same day airborne, except
 4 for deer. And for all the other species, moose and caribou,
 5 for example, it already is. It's illegal. The same day. Now,
 6 you can use an airplane to get to a place, to a hunting camp,
 7 and then you can hunt them the next day, after 3:00 a.m. the
 8 next day. But not the same day.

9
 10 MR. KATCHATAG: I really question

11
 12 MR. LOCKWOOD: When they was -- when I was sent
 13 by Wildlife out from Anchorage about this airborne thing, when
 14 I read the regulations and rules, what they have to follow, I
 15 agreed on that thing, because that's what they're making, and I
 16 don't know nothing about the airborne thing anyway in the first
 17 place mean. I mean, I'm glad they have some kind of
 18 regulations and rules by Fish and Wildlife for this airborne,
 19 that's what my idea is. But I don't know. It seems like I
 20 don't even want to get into it, get into that kind of hunting.
 21 Airborne hunting. But I had sent my letter to them anyway,
 22 answered. Answered that.

23
 24 MR. KATCHATAG: Thank you, George.*

25
 26
 27 Anchorage about this airborne thing, when I read the
 28 regulations and rules, what they have to follow, I agreed on
 29 that thing, because that's what they're making, and I don't
 30 know nothing about the airborne thing anyway in the first place
 31 mean. I mean, I'm glad they have some kind of regulations and
 32 rules by Fish and Wildlife for this airborne, that's what my
 33 idea is. But I don't know. It seems like I don't even want to
 34 get into it, get into that kind of hunting. Airborne hunting.
 35 But I had sent my letter to them anyway, answered. Answered
 36 that.

37
 38 MR. KATCHATAG: Thank you, George.

39
 40 MR. LOCKWOOD: They'd have to come out of -- or
 41 and and get away from airplane at least 100 yards or 100 feet,
 42 something like that. That's too easy. You get there and

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 44 MR. KATCHEAK: I'd like to go on record

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 46 MR. LOCKWOOD: hunt them out away, get
 47 our rule.

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MR. KATCHEAK: to oppose that aircraft hunting of game, solely because it's a very expensive -- it's very expensive, and to charter an airplane to hunt some -- hunt fox, coyote, and arctic fox, it's not a profitable venture. You probably -- if you got ten or 15 wolf -- foxes, it probably would pay some part of that bill, but it's -- I don't see any profit in hunting an animal. And I hate to -- I'd hate to see any relevance of subsistence hunting and fishing with -- in that method, using an aircraft to -- it doesn't apply to me, and I am it does not apply to any of the Council members. So this is a proposal

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MR. LOCKWOOD: I think

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14

MR. KATCHEAK: I would be would be opposed to using -- I would be in favor if it was solely for wolf, and that I wouldn't mind.

17

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MR. LOCKWOOD: I think they should have their own hunting -- to hunt like anybody, a cabin and then from there leave their airplane and hunt like any regular hunters. I think that will be the best way from this airborne. They can go hundreds of miles away from other hunters where there's more game. And keep away from ground hunters.

24

25

MR. KATCHEAK: The only known -- the known catch of a coyote I remember was back in three years ago when one of the -- one of the hunters came back with a coyote. He thought it was a wolf. And that was the only coyote we ever seen in my whole life. We never -- never saw a coyote in our life. That was the first time we ever see one in the Stebbins area. Everybody was curious about it. They -- everyone was curious if there were more than one coyote out there, and still want to -- but it was a -- kind of a big occasion, that there was a coyote being caught.

35

36

But I don't see this -- I would go on record to say that the -- I don't think we'll condone our people to be hunting with aircraft. That would be our last resort. If nothing else, that would be -- if I can't -- if I can't catch a fox or a lynx or a coyote or arctic fox, I'd resort to an aircraft if I can't find any more than -- any other animal. But that's all I can say about this proposal.

43

44

MR. KATCHATAG: You know, in your discussion, you point -- it points out that over 90/91 and 91/92 you had 11 units in which same-day-airborne hunting of wolves was allowed. And over those two years your records state that approximately 40% of the total wolf harvest was taken by SDA methods. My

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question is, do you have statistics on where in Alaska the hunters who caught that 40% resided?

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MR. LOCKHART: Oh, that's a very good question.

4

5

MR. KATCHATAG: To my way of thinking, while you're looking, I would guess that 90% of that 40% would probably be in the urban areas.

6

7

MR. LOCKHART: Mr. Chair, I think those 11 units were all within the road-connected system, so they didn't apply for out here. However, I did have some figures for nonresident take of wolves. Let me see. And this is actually for Region Seven, for Unit 22, your area. We have, let me see, data from 1984/85 regulatory year through the 1992/1993 regulatory year. And here the -- actually this is pretty amazing. The percentage of take by qualified rural residents, in other words, -- well, actually I shouldn't -- the take by unit residents was about -- was 210 out of 214 total, which is pretty good. And nonqualified residents, Alaska residents from outside of this unit, or from nonresidents was only two. I'd have to say that's a big disparity from the other -- information from the other units. For example, in Unit 23, a large percentage of that take which we assume was taken by aircraft methods, was by non-unit people. So I think you're right. In a large part of the State, particularly where there's, you know, there's hunting that's going on, most of the wolves are taken by people from outside of that unit.

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29

MR. KATCHATAG: And another thing that bothers me about this is that these regulations would allow a ten-wolf harvest limit, and at \$400.00 per skin, you're looking at 4,000 bucks, and

33

34

MR. LOCKHART: Actually, Mr. Chair, that's not correct. Under the proposed regulations, it is unlimited. It would be under the trapping regulations, so they -- any of those species would be an unlimited harvest then.

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MR. KATCHATAG: So you're saying this proposal allows unlimited?

41

42

MR. LOCKHART: Yes, sir. They're changing it from -- it would be taken out of the hunting regulations and put into the trapping -- you have to have a trapping license, but essentially there are no limits on the bag limit. The seasons are somewhat more restricted, but there's -- it's unlimited.

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1 MR. KATCHATAG: And you're allowing same-day-
2 airborne hunting of wolves with a trapping license?

3 MR. LOCKHART: Under a trapping license, if you
4 purchase a trapping license, you can take free-ranging
5 furbearers or fur animals with a rifle without being in a trap.
6 That's under the current regulations, and the State had

7
8 MR. KATCHATAG: Okay. I'll take your word for
9 it. I think -- any further discussion on this proposal? Any
10 comments from the public? Mr. Olanna?

11
12 MR. OLANNA: I never hunted wolves before, but
13 whatever works, you know. Just have at it.

14
15 MR. KATCHATAG: Yes, Mr. Adkisson?

16
17 MR. ADKISSON: The one real concern that I have
18 with this for 22 is the potential, because if you look at the
19 existing Federal regulations for C and T, everybody in the
20 State practically, except for Southeast Alaska, has C and T for
21 wolves on 22.

22
23 MR. LOCKHART: That's a very good point.

24
25 MR. ADKISSON: And the reason that we're not
26 getting the nonlocal hunters here like they are in 23, it's
27 more lucrative to fly in from Anchorage or Fairbanks into parts
28 of 23 and take your wolves around Galena and further west. If
29 the harvest drops up there, we may see more activity out here.
30 And since anybody with an airplane from almost anywhere in the
31 State qualifies for out here, I think it raises some real
32 serious questions about potential competition.

33
34 MR. LOCKHART: Anybody except from any nonrural
35 areas could do so.

36
37 MR. ADKISSON: Yeah.

38
39 MR. OLANNA: Are you talking about being swayed
40 by public opinion again?

41
42 MR. ADKISSON: No, I'm talking about the fact
43 that if you own an airplane and you reside in a nonrural area
44 of the -- or a non -- if you reside in a rural area of the
45 State, anywhere in the State of Alaska practically, you're
46 qualified to come up here and hunt wolves as a C and T
47 subsistence user. And, you know, there are people who live in
48 some of these places, like Galena and McGrath that do hunt out

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of airplanes a lot. And if they can come out here and do that, I think it's just -- it's a very efficient way of hunting, and it raises some real questions about competition with people who can't afford an airplane and who are hunting by snow machine or other methods.

5
6 MR. KATCHATAG: Yeah. Do I understand you right, Mr. Adkisson, as saying that according to page 93 of our subsistence regulations, under wolf it says "customary and traditional use determination, rural residents of Units 6, 9, 10, 11 to 13, and 16 to 26 qualify for C and T use of wolves within 22"?

12
13 MR. ADKISSON: Yes, that's what it says.

14
15 MR. LOCKHART: That's correct. The other species that has a very strange C and T are ptarmigan.

17
18 MR. KATCHATAG: Yeah, I noticed grouse, ptarmigan. And also on page 91, caribou. It sure doesn't sound customary and traditional to me if you have to travel to somebody else's unit to hunt.

22
23 MR. LOCKWOOD: And this brown bear. One bear every four regulatory years. That means one hunter?

25
26 MR. LOCKHART: Yes, sir.

27
28 MR. LOCKWOOD: So if there's ten hunters, you can have -- you can kill ten bears.

30
31 MR. KATCHATAG: Any further discussion on the proposal before us? Hearing none, I would entertain a motion on Proposal One.

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35 MR. OTTON: The proposal would be to oppose Proposal One.

37
38 MR. KATCHATAG: Are you making a motion to oppose adoption of Proposal One?

40
41 MR. OTTON: Yes.

42
43 MR. KATCHATAG: We have a motion on the floor to not adopt Proposal Number One, which allows it sounds like unlimited taking of wolves from the air.

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47 MR. OTTON: SDA.

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MR. KATCHATAG: Do I hear a second?

MS. MUKTOYUK: Second.

MR. KATCHATAG: We have a second. Discussion?

MR. ADAMS: Question.

MR. KATCHATAG: The question's been called.
All those in favor of the motion signify by saying "aye"?

ALL: Aye.

MR. KATCHATAG: All opposed, nay? Motion
passes. Proposal One is not adopted by the Seward Peninsula
Subsistence Regional Advisory Council.

Moving on to Proposal Two, Mr. Lockhart?

MR. LOCKHART: Yes. Thank you, Mr. Chair.
Proposal Two is also by the Alaska Department of Fish and Game.
Over the last few years there's been considerable changes in
regulations and certainly in June the Alaska Department of Fish
and Game modified their seasons more in terms of the harvest
limits and the season dates for wolves. And what the
Department wants to do with this proposal is simply align the
State and Federal Regulations so that it will minimize user
confusion with respect to hunting wolves across the State.

If you look in this proposal, you'll see -- it's kind
of confusing, these tables, but essentially for Unit 22, the
proposed regulation as it stands right now under hunting is
that there's no limits on wolves, no harvest limit, and the
season runs from August 10th to April 30th. The proposed
regulation change by the Alaska Department of Fish and Game
would change it for a hunting license where you could only take
five wolves from August 10 to April 30th. Under the trapping
license, the existing regulation has a no limit harvest limit,
and the season is from November 1st to April 15th. And under
the proposed change they would ask to extend the season from
November 1st to April 30th. So essentially giving you 15 days
more of trapping season. So in summary, what they propose to
do is change the hunting bag limit from no limit to five, and a
change in trapping season so that it will extend the season for
45 days in April.

MR. KATCHATAG: Does that have anything to do
with the quality of the pelts?

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MR. LOCKHART: Well, no. I don't think so. We in analyzing this -- of course, we looked at the biological considerations first, and again wolf numbers appear to be stable or increasing, although there are some local areas of concern. Wolves normally breed from late February to early April, so there's some concern about taking wolves in that April period, or extending the season for that long. And what I guess what we did was -- our current Federal regulations again are essentially a mirroring of the State regulations as they existed in 1990 and 1991. And we do acknowledge that having divergent regulations oftentimes adds a lot of confusion and it's generally hard for people to follow the regulations by looking at the Federal, if there's such a disparity in the State and Federal regulations.

14

15 We acknowledge that there is additional opportunity for harvest of wolves for this unit, 15 days, but we also acknowledge that in light of subsistence uses, taking wolves outside of November through March pelt primeness may be viewed as a wasteful use of the resource, and again, allowing harvest late into the reproductive period appears to deviate from accepted principles of wildlife management.

22

23 So essentially our conclusions are that we're reducing the wolf hunting season, incorporating May-July, that's for the Units One through Three, which doesn't effect here. At current estimated levels, wolf populations would not be impacted. Adoption of the State's wolf hunting bag limits will have minimal biological or socio-economic impact. As a practical matter, harvest opportunities under trapping and hunting licenses overlap with the effect that more liberal trapping regulations are more likely to prevail.

32

33 Where Federal harvest limits are more restrictive than that is of the State, a hunter has the option of taking wolves under the State regulations, since Federal lands are generally not closed to wolf harvest by non-federally qualified subsistence users.

38

39 Conversely, if the Federal Subsistence Board wishes to obtain a different management strategy on federal lands in those units where there's different regulations, the Board would have to take specific action to limit harvest activities under State regulations on Federal lands. They have not done that.

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46 So the only thing that I would say is that of the councils that have looked at this and examined it, all of them have adopted the proposal with the exception of Northwest

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Arctic Council. They were concerned about the waste of taking wolves during periods of non-pelt primeness. And they asked to modify the season for their unit for both hunting and trapping to a -- for a season of November 10th to March 31st. And that's essentially the only recommended change by any of the councils.

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7

MR. OTTON: Where I come from, we do quite a bit of hunting and trapping for wolves, and I do know the dates you just stated, like November to March 31st is when the pelts are prime. And between them dates they start getting bumps so that it's not worth it to go after a wolf during that time. And from that standpoint, I wouldn't mind seeing us adopting the same hunting time table as the Northwest -- these NANA people up here, you know, because between -- other than between November 10 and March, the pelts are worthless to us.

16

17

I don't know about the number of wolves caught or the proposed, like five. I do know every village, they -- that not everybody hunts and traps wolves, but the ones that do hunt, I think there would be disagreement with some of the hunters on setting a five-limit hunting for wolves. If that was to happen, probably what they could do is to say they trapped wolf where in reality they actually hunted. Anything wrong with going that route?

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MR. LOCKHART: What -- can you -- I'm sorry.

27

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MR. KATCHATAG: You lost him.

29

30

MR. OTTON: Okay.

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MR. LOCKHART: I was trying to think in two different directions at the same time. I'm sorry.

34

35

MR. OTTON: If there was an adoption of putting a hunting limit of five wolves per license, and a hunter is forced to -- or, you know, he -- that's how they make their living, the providers of the family, they've got nothing else to do but to trap and hunt. Sometimes the better hunters are lucky enough to get more than five. If they got, say, six, they could put five legally on the hunting permit, and then the sixth one, they could put it on a trapping permit. Would that be acceptable?

44

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MR. LOCKHART: That would be a moot point, Mr. Otton. If you have a hunting -- if you have a trapping license already, then it's -- well, I guess it wouldn't be, because the hunting season's different. That's what you're

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saying. Only during -- in that different window of time, you would only be allowed to take wolves under a hunting license. A trapping license wouldn't do you any good. But if you had a trapping license during the trapping season, you can trap as many as you wanted to. And again,

5
6 MR. OTTON: Even if you coup de grace them
before you put a trap on them?

8
9 MR. LOCKHART: Again, that's confusing part of
10. The existing trapping regulations allow the -- a firearm
11 a bona fide way of trapping. So you can take free-ranging
12 animals with a firearm, unlimited numbers, again, during the --
13 if you have a trapping license in hand.

14
15 MR. OTTON: Uh-huh.

16
17 MR. LOCKHART: And in fact the reason that
18 these regulations came about and why you see a separate hunting
19 season, was a long time ago when they developed these, they
20 wanted to provide an opportunity for people essentially who
21 come from out of state and are hunting caribou or moose or
22 whatever, it would allow them an opportunity to hunt or take a
23 wolf with a hunting license. So that's why you see those
24 differences in seasons. They called them fur animals, and they
25 classified -- they classified them as fur animals and allowed
26 them to take them on a hunting license.

27
28 Under a trapping license, you can shoot free-ranging
29 wolves all you want. There's no provision that it be in a
30 snare or a trap first, as long as you have a license in hand.

31
32 MR. OTTON: Okay.

33
34 MR. LOCKHART: It is confusing. Barb just
35 wanted to remind me of something that I forgot about. The
36 North Slope, they deliberated this same discussion. They were
37 aware of what the Northwest Arctic did with their regulations,
38 but they wanted to have the extended season because of for
39 their area the safety concerns, and their ability to get out
40 and maybe -- and as I recall actually even from some of ADF&G
41 information provides, there's a period there where pelts go
42 a little later into the year. So the North Slope was --
43 liked the proposal the way it was, because it afforded them an
44 opportunity to hunt on a longer period of time when it was
45 easier for them to go out and do that. Does that accurately
46 characterize it, Barbara?

47
48 MS. ARMSTRONG: Well, they were thinking along
49
50

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the lines of what if they were out in their camps and also out hunting, and if the wolf should come around and they had already changed the dates, and then they can't shoot the wolves for their own safety. So they just left the dates as

4
5 MR. LOCKHART: Oh, you know, I didn't pick up
6 on that. I'm sorry.

7
8 MS. ARMSTRONG: Yeah.

9
10 MR. LOCKHART: Is that what they were talking
11 is that?

12
13 MS. ARMSTRONG: Yeah,, that's

14
15 MR. LOCKHART: Okay. I

16
17 MS. ARMSTRONG: the other thing that they
18 discussed.

19
20 MR. LOCKHART: I had a completely different
21 understanding of that. Actually under those situations, if --
22 mean if there was concern for safety for equipment or life of
23 something like that, that's a completely separate set of
24 regulations under the State. You can take an animal in defense
25 of property. So that would come into play no matter

26
27 MS. ARMSTRONG: Yeah, that's what they

28
29 MR. LOCKHART: what time of year it is,
30 that was to happen. I misread that. I misunderstood what
31 they were doing, Barb. Thanks.

32
33 MR. LOCKWOOD: Okay. Under the wolf, on the
34 wolf side, like at home, there's a lot of caribous goes through
35 this year, and then lately there were too many wolves going
36 after and killing caribous. They can even see wolves chasing
37 caribous from their windows from town. And then three of my
38 boys went out the day before I come here to the herd. They
39 seen this herd going in the trees, and they would run out of
40 see (ph), chased by wolves, so they just go home. They didn't
41 get any. I think it really should be do something about this
42 wolf population. They're getting too much. And then bothering
43 like that our caribous. That's what we need. We don't have
44 any cattle, you know. We depend on caribou.

45
46 MR. LOCKHART: Mr. Lockwood,

47
48 MR. LOCKWOOD: They should really look into
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getting these wolves cut down. They're getting too much, too many. And on top of that, hardly in the breeding. The females got to have little calves inside right now. That's important so look into these wolves. They just kill, it looks like slaughtering. Too many. I thought I would mention that.

5

6

MR. KATCHEAK: Mr. Chairman?

7

8

MR. KATCHATAG: Yes, Ted?

9

10

MR. KATCHEAK: Is it too late for me to go back to Proposal One? I just thought about the -- that would affect the reindeer herders by proposing Proposal One for the wolves. They -- the wolves keep bothering the reindeer and then I'm thinking that proposal, if we oppose it would disallow the herders to use aircraft to go after reindeer. I don't know what the intention was of the Fish and Wildlife to propose this to make the proposal. Do you know why? What was the reason why they proposed it?

19

20

MR. LOCKHART: Yes, I do. I mean, the rationale for -- the rationale for doing away with the airborne hunting regulations was to minimize the potential for illegal abuse of using aircraft for chasing and molesting wildlife, notably the wolves and four other species of furbearers in this particular case in the proposal.

26

27

MR. KATCHATAG: Mr. Lockhart, Mr. Katcheak, looking at the parliamentary rules, once a proposal or a motion has been adopted, then the only mechanism available to reconsider or bring it up for further discussion and/or action would be to reconsider it, and since all of us voted for the motion, it says, "only a member of the prevailing side may make this motion," so if you wish to bring Proposal One back up for discussion and/or further action, you must ask to reconsider, and then the Council will vote on your reconsideration proposal.

37

38

MR. KATCHEAK: I'll go ahead and ask for reconsideration of Proposal Number One.

40

41

MR. KATCHATAG: Are you moving to reconsider?

42

43

MR. KATCHEAK: I move.

44

45

MR. KATCHATAG: We have a motion on the table to reconsider Proposal Number One. Do I hear a second?

46

47

48

MR. BARR: Second.

49

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1 MR. KATCHATAG: Seconded. Discussion?

2

3 MR. LOCKWOOD: Question.

4

5 MR. KATCHATAG: The question's been called to
6 reconsider Proposal Number One. All those in favor signify by
7 saying "aye"?

8

9 ALL: Aye.

10

11 MR. KATCHATAG: All those opposed, "nay"? The
12 motion carries. Proposal Number One is back on the table.

13

14 MR. KATCHEAK: Okay. The reason why I brought
15 this up was I in thinking back, I was acting a little too
16 hasty, not thinking about the herders, because they're the ones
17 that are -- usually have problems in -- up in their ranges, or
18 their grazing ranges, and I don't mind that part where the
19 wolves, aerial hunting of wolves would be allowed, but aerial
20 hunting of other than the wolf -- the coyote, lynx, red fox,
21 and arctic fox, which are easily -- you can easily get those,,
22 you know, I've caught wolf, lynx, fox, and arctic fox, what --
23 like I said there was just one occasion when -- where a coyote
24 was caught several years back. But thinking for the interest
25 of the reindeer herder, I'm thinking if we object to this
26 proposal, we would kind of put the herders in a situation where
27 they're going to have to try some other way to get rid of the
28 wolves if they bother the herd. I'd like to see more
29 discussion on it, and what would be the solution or possible
30 solution to that. I don't know what -- we don't have any
31 reindeer herders here to

32

33 MR. LOCKHART: Mr. Chair?

34

35 MR. KATCHATAG: Yes, Mr. Lockhart?

36

37 MR. LOCKHART: Theodore, one thing that I
38 didn't mention that I did mention in Proposal Two, the same
39 thing applies in the case of Proposal One. Unless the Board
40 moved to take action to close federal lands for same-day-
41 airborne hunting, people that have an existing State license
42 can engage in that activity anyway. And it's -- this is more
43 of a message, I guess, from the standpoint of the Federal
44 subsistence regulations. There are existing regulations on the
45 books which prohibit harassment of wildlife, and, you know,
46 they -- the Fish and Wildlife Service would probably look at
47 those cases, and they would enforce it on the basis of
48 harassment. But people could engage in that activity under

49

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State license now anyway.

1

2 MR. KATCHEAK: So the question is if we accept
3 this Proposal Number One, allowing aerial wolf hunt, and drop
4 that -- the fox, the lynx and the red -- or arctic fox, would
5 the Fish and Game -- Would the State Fish and Game approve that
6 -- such an action? Like you said, there was a rationale behind
7 this proposal, why they would allow wolf hunts and other
8 furbearing animals on the same day that aircraft is used?

9

10 MR. LOCKHART: I'm not sure -- I'm sorry,
11 Mr. Chair.

12

13 MR. KATCHATAG: Yeah, Mr. Lockhart, I need some
14 clarification from you or from Barb as to whether or not it is
15 proper to amend these proposals?

16

17 MR. LOCKHART: Oh, absolutely. You can make a
18 recommendation to amend the proposal, you bet.

19

20 MR. KATCHATAG: So I think it would be proper
21 for you as the maker of the motion to reconsider Proposal One,
22 also propose an amendment to Proposal One so that it can fit
23 what you need it to fit, rather than using up our time in
24 discussion, I think that we should be moving on, and trying to
25 get things done. So I would suggest that you make a motion to
26 modify Proposal One to allow reindeer herders the leeway to use
27 aircraft to take wolves that may be harassing their reindeer
28 herds.

29

30 MR. KATCHEAK: I'll make a motion to amend
31 Proposal One to allow wolf aerial hunting only.

32

33 MR. KATCHATAG: By reindeer herders?

34

35 MR. KATCHEAK: By reindeer herders. And with
36 what State licensed hunters or?

37

38 MR. LOCKHART: Mr. Chair, again, aerial
39 hunting, I mean, that has a completely different connotation.
40 I mean, what you're doing is you're asking to amend the
41 proposal to allow same-day-airborne taking of wolves. Right?

42

43 MR. KATCHEAK: Yes.

44

45 MR. LOCKHART: Okay. And I would just -- I
46 would simply do it that way. I mean, the other language that
47 you had proposed to put in there, was that -- that would only
48 mean a reindeer herder who had an airplane. So however you

49

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choose to modify it, but you can simply -- the most -- the simplest way of modifying it would just be to exclude the other four species and recommend adoption of the proposal for wolves, But

4

5

MR. KATCHEAK: Yes.

6

7

MR. LOCKHART: that the other four species you oppose same-day-airborne hunting on the other four species. That's probably the easiest way to address it.

10

11

MR. KATCHEAK: Okay.

12

13

MR. KATCHATAG: I still don't agree with same-day-airborne hunting of wolves by anybody other than reindeer herders.

16

17

MR. LOCKHART: Okay.

18

19

MR. KATCHATAG: That's my personal feeling, and I'm not sure

21

22

MR. LOCKHART: Well, you can -- I shouldn't -- I don't want to put words in your mouth. You can certainly modify it any way you want to propose to modify it. You can maybe change the wording, "except in order to protect reindeer herds."

27

28

MR. OTTON: Yeah, predator control by reindeer herders. Right?

30

31

MR. LOCKHART: Well, predator control again, that's -- what's allowed, it's -- you're getting into a whole different arena, you know, in terms of what's

34

35

MR. OTTON: What about wolf predator control?

36

37

MR. LOCKHART: Well, it's the same thing. I mean, the airborne hunting act provides -- or allows for predator control, and use of aircraft in predator control, but only by State-authorized agents. So the public probably could not do that.

42

43

MR. OTTON: So if a herder was having problems with wolf bothering the reindeer, he can ask the State to go in and predator?

46

47

MR. LOCKHART: He can ask, but whether or not they'd have the, you know, the means to be able to do that is

49

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another question. But the State is the one that administers predator control. It's the Alaska Department of Fish and Game. That does not occur under our regulations.

MR. LOCKWOOD: This wolf hunting now on this -- around these caribous would be more or less like an emergency, or on account of the caribou herd. It would really be

MR. KATCHEAK: Mr. Chairman, I'd like to go ahead and make that motion to allow wolf, taking of wolf same-day-take -- same day taking of wolf by aircraft? Same day taking of wolf by aircraft, or by reindeer herders with an aircraft, and exclude lynx, coyote, red fox and arctic fox from the proposal.

MR. BARR: I'll second that motion, if nobody seconded it.

MR. KATCHATAG: We have a motion and a second on the floor to modify Proposal One to permit same-day-airborne taking of wolves by reindeer herders, but excluding the taking of lynx, coyotes, red fox and arctic fox, period. Is that the motion?

MR. KATCHEAK: Yes.

MR. OLANNA: Could I make an addition? This region, the reindeer herders are always talking about brown bears, too, and the harming of their herds by brown bears. Could we include brown bears in there, too?

MR. OTTON: That's another case.

MR. KATCHATAG: That's a good question. The original proposal calls for the same-day-airborne taking of wolves, lynx, coyotes, red fox and arctic fox, but it doesn't mention brown bears. But I suppose as a Council, we can be corrected if we err. So I guess that would have to be -- we have a motion and a second. That would -- then we would have to entertain a motion to amend the motion if I understand parliamentary procedure correctly. Is there such a motion to be made?

MR. BARR: I would think, you know, Mr. Chairman, that this motion should stand along as is, you know, for the wolves.

MR. KATCHATAG: Just the wolves?

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herd.
 2
 3 MR. BARR: Yeah, wolf control in the reindeer
 4 another one for bear
 5
 6
 7 MR. BARR: Yeah.
 8
 9 MS. ARMSTRONG:if you guys want for the
 10 next regulatory year. This one is just dealing with wolves.
 11
 12 MR. KATCHATAG: Does that answer your question,
 13 Mr. Olanna? Thank you. So we have a motion and a second.
 14 We're into discussion on the motion. Any further discussion?
 15
 16 MR. BARR: Question.
 17
 18 MR. LOCKWOOD: Yeah, I've got one. What's the
 19 difference between guides and the airborne hunting? They're
 20 both the same?
 21
 22 MR. LOCKHART: No. I mean, I'm not real sure,
 23 Mr. Lockwood. I mean, there's guides and outfitters who
 24 transport hunters into areas, and accompany them in the taking
 25 of game. Airborne hunting -- I mean, they use aircraft to
 26 access areas, but the same-day-aircraft -- same-day-airborne
 27 hunting, I guess potentially a guide could take a person along
 28 for same-day-airborne hunting.
 29
 30 MS. ARMSTRONG: Excuse me, Mike. What they
 31 also want is putting in this reindeer herder with -- I think
 32 there might be a question here whether the reindeer herder
 33 himself has to own the plane to be flying to hunt for wolves.
 34 Is that not true? And being asked if they
 35
 36 MR. LOCKHART: Well, that's
 37
 38 MS. ARMSTRONG: because they're saying --
 39 they're specifying that they're only saying like for just
 40 for the reindeer herders to be same-day-airborne hunting, are
 41 these
 42
 43 MR. LOCKHART: That's
 44
 45 MS. ARMSTRONG: reindeer herders that you
 46 guys have in the Seward Peninsula area own planes to be able to
 47 do this?
 48
 49
 50

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1 down plane.
 2
 3 MR. OTTON: But it's not flying.
 4
 5 MR. OLANNA: Could I make a suggestion for you?
 6
 7 MR. KATCHATAG: Is
 8
 9 MR. OLANNA: Why don't we just leave that to
 10 the Reindeer Herders Association to decide if the State could
 11 bring in and bring this discussion over to them so we won't
 12 have any conflicts or anything like that between the Advisory
 13 Council and the Reindeer Herders Association?
 14
 15 MR. LOCKHART: Yeah, I just don't know how you
 16 would
 17
 18 MS. ARMSTRONG: That's -- yeah, that's the
 19 option they have. If Reindeer Herders want to turn in a
 20 proposal, if they have a meeting and want to do a proposal by
 21 next year, they certainly are welcome to do it. And then go
 22 to in front of the staff committee and the FSB Board and
 23 support it. And then here the Council have already motioned it
 24 and put it in here, they can also go back in again and unwind
 25 that and leave that problem up to the reindeer herders
 26 themselves, because they know what they are doing, and they
 27 know they can do this, too, because they have that right to do
 28 it.
 29
 30 MR. KATCHATAG: Mr. Lockhart, I would like some
 31 clarification on her question as to whether or not the reindeer
 32 herder would have to own a plane?
 33
 34 MR. LOCKHART: I think that's a good question.
 35 I don't know. I think -- I don't know how that would be
 36 interpreted if the regulation -- if you're proposing a
 37 regulation that would read that they -- only reindeer herders
 38 could second day -- could same-day-airborne, then I would
 39 interpret that to mean that only a herder with an airplane
 40 could do it.
 41
 42 MS. ARMSTRONG: Uh-huh.
 43
 44 MR. LOCKHART: Not somebody acting as an agent
 45 for him. Is that how you would interpret that, Barbara?
 46
 47 MS. ARMSTRONG: Uh-huh.
 48
 49
 50

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MR. KATCHATAG: Is that the way the regulation is written? I mean, is that -- are those the parameters of the regulation?

3

MR. LOCKHART: No, there's nothing in there like that right now. And

6

MS. ARMSTRONG: By looking at this, by looking at what Ted -- Mr. Katcheak just said, that's the way I would interpret it is just saying like only the reindeer herders, just the ones that have a plane

11

MR. LOCKHART: That's why

13

MS. ARMSTRONG: are able to hunt.

15

MR. LOCKHART: That's why I suggested if that was a problem, that you just talk about allowing same-day-airborne taking of wolves, and then the other four species. But you expressed a concern of not opening it up to everyone else except people who are having problems, reindeer herders who were having problems. And I guess

22

MR. KATCHATAG: That was my understanding of his motion, is that he wanted to provide the reindeer herders with the operation -- option of predator, or wolf control from the air.

27

MR. LOCKHART: Yeah, and again

29

MR. KATCHEAK: I probably would -- it probably would be better if I add aircraft or has access to aircraft.

32

MS. ARMSTRONG: Uh-uh.

34

MR. KATCHATAG: That still doesn't clarify it. But the point that would allow him to charter an airplane and go out and kill wolves.

38

MR. LOCKHART: Well, how about this: how about if you worded it something you want to modify the proposal to allow same-day-airborne hunting in protection of reindeer herds, something like that?

43

MR. LOCKWOOD: Now, I think it would be best thing to do work it out with Wildlife, since they always come over and find out anyway to get you. I think it would be better to both reindeer herders and the Wildlife work that out, that kind of hunting.

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1 MR. LOCKHART: I guess maybe we're
2 straying

3
4 MR. LOCKWOOD: That's just my idea.
5

6 MR. LOCKHART: I think we're maybe straying in
7 a little area that's a little difficult to deal with, because
8 really reindeer don't come under our regulations at all, and
9 the Board may have a hard time entertaining a proposal to allow
10 same-day-airborne taking of wolves in protection of reindeer,
11 but I don't know. That's certainly something that you can
12 address to them, and they will consider.

13
14 MR. KATCHEAK: Well, if I leave out the
15 reindeer and just

16
17 MR. BARR: Mr. Chairman?
18

19 MR. KATCHATAG: Then -- excuse me, Mr. Barr.
20 Then what you're doing is you're turning around and allowing
21 same-day-airborne taking of wolves, period.

22
23 MR. KATCHEAK: Uh-huh.
24

25 MR. KATCHATAG: And then that opens it up to
26 every -- all the objections that we had originally

27
28 MR. KATCHEAK: Right.
29

30 MR. KATCHATAG: stated when we voted down
31 the proposal. So we're back to square one. Mr. Barr?

32
33 MR. BARR: Mr. Chairman, yeah, wouldn't this
34 proposal, you know, be only on Federal lands that, you know,
35 we're debating, you know, whether -- it's not on State lands,
36 but on Federal lands only, you know.

37
38 MR. KATCHATAG: That's my understanding of
39 Federal subsistence regulations.

40
41 MR. OLANNA: Mr. Chairman, that would open up
42 another whole can of worms if you were -- if we were to talk
43 about hunting wolves, because they would more than likely pick
44 a musk oxen herd later on in the future. Or any other
45 predators that would pick on the musk oxen.

46
47 MR. KATCHATAG: Well, appreciate your comments,
48 Mr. Olanna.

49
50

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1 MR. BARR: Yeah. Withdraw your motion and let
 2 the reindeer herders worry about putting it

3
 4 MR. KATCHEAK: Okay. Mr. Chairman, I will go
 5 ahead and withdraw my motion on Proposal Number One, and leave
 6 it up to the Reindeer Herders Association.

7
 8 MR. LOCKHART: The second would have to
 9 withdraw, Mr. Chair.

10
 11 MR. KATCHATAG: The seconder -- Mr. Lockhart
 12 just pointed out that the seconder of the motion would have
 13 to
 14

15 MR. OTTON: Agree.

16
 17 MR. KATCHATAG: rescind his second, and
 18 then the maker of the motion would have to also withdraw his
 19 motion, is that not correct?

20
 21 MR. LOCKHART: He just did,
 22

23 MS. ARMSTRONG: Uh-huh.
 24

25 MR. LOCKHART: and I think he just needs
 26 his second to with-
 27

28 MS. ARMSTRONG: He just needs the second to
 29 rescind.
 30

31 MR. KATCHATAG: Okay. We have
 32

33 MS. ARMSTRONG: You did.
 34

35 MR. BARR: Oh, I did, okay.
 36

37 MR. KATCHEAK: You withdraw
 38

39 MR. BARR: I withdraw my
 40

41 MR. KATCHATAG: Well, going by the Roberts
 42 rules, the pamphlet handed out, I think what you need to do is
 43 make a motion to rescind you motion to reconsider.
 44

45 MR. KATCHEAK: I do?
 46

47 MS. ARMSTRONG: Uh-huh.
 48
 49
 50

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MR. KATCHEAK: I'll make a motion to rescind my motion to reconsider Proposal Number One.

2

MR. KATCHATAG: We have a motion to rescind reconsideration of Proposal Number One. Does the seconder of the original motion to reconsider agree with the rescindation of the motion?

7

MR. BARR: Yes, I'll agree to that, providing, you know, we had voted on it. I don't think we voted on this motion.

11

MR. KATCHATAG: I agree with you, we haven't.

13

MS. ARMSTRONG: Yeah, but there is a motion and that motion

16

MR. KATCHATAG: We're in

18

MS. ARMSTRONG: and a second, that's why you have to take that out of the way before you can go back into the main motion. So you're back -- if he rescinded and he takes it, so you're back to the main motion, back to the same proposal that you guys took off before. So you guys are back to the main motion of Proposal One.

25

MR. KATCHATAG: Right. Let me clarify, okay? My understanding is that by rescinding his original motion to reconsider, and by the second's also rescinding his second to that motion to reconsider, that Proposal One is back on the table?

31

MS. ARMSTRONG: Uh-huh.

33

MR. KATCHATAG: Then we vote on Proposal Number One as far as to whether or not we want to re-adopt it, is that not correct?

37

MS. ARMSTRONG: Uh-huh. You can either -- you can either support it or oppose it. You can

40

MR. KATCHATAG: Right.

42

MS. ARMSTRONG: revote again.

44

MR. KATCHATAG: So now Proposal Number One is back on the table, and I would entertain a motion to act on it.

47

MR. KATCHEAK: I so move.

49

50

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1 MR. KATCHATAG: What do you move?
2
3 MR. KATCHEAK: I move
4
5 MR. KATCHATAG: You
6
7 MR. KATCHEAK: I move that we oppose Proposal
8 Number One.
9
10 MR. KATCHATAG: We have a motion on the floor
11 to not adopt Proposal Number One. Is there a second?
12
13 MR. OTTON: Second.
14
15 MR. KATCHATAG: Seconded. Discussion?
16
17 MR. BARR: Question.
18
19 MR. KATCHATAG: The question's been called to
20 not adopt Proposal Number One. All those in favor of not
21 adopting Proposal Number One signify by saying "aye"?
22
23 ALL: Aye.
24
25 MR. KATCHATAG: All those opposed, "nay"? The
26 motion passes. Proposal One is not adopted by SPSRAC.
27
28 Moving back -- where are we? Did we do anything
29
30 MR. BARR: Proposal Two.
31
32 MR. KATCHATAG: Did we do anything with
33 Proposal Two?
34
35 MS. MUKTOYUK: No.
36
37 MR. LOCKHART: You've already been discussing
38 that. I don't think you have a motion though on Proposal Two.
39
40 MR. KATCHATAG: Yeah, that's -- so we were out
41 of order by moving to Proposal Number One.
42
43 MR. LOCKHART: Well, we're learning.
44
45 MR. KATCHATAG: Yep. Got to hire a
46 parliamentarian I see. We're still in discussion of Proposal
47 Number Two, is that correct? Are we on the same page? What is
48 the wish of the Council on Proposal Number Two? The proposal
49
50

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is to change the wolf hunting regulations by changing the harvest limits and the open seasons for hunting, and the open season for trapping. Is that correct, Mr. Lockhart?

3

4 MR. LOCKHART: It's the harvest limit for
hunting from no limit to a limit of five, and it changes the
season of trapping from November 1st to April 15th, it extends
it 15 days to close on April 30th.

8

9 MR. KATCHATAG: Does everybody understand
Proposal Number Two? Any further discussion on Proposal
Two?

12

13 MR. LOCKWOOD: Where are these proposals at?
On this list here?

15

16 MR. KATCHATAG: Page six, seven, eight, nine,
and ten, 11. What is the wish of the Council on Proposal
Number Two?

19

20 MR. BARR: Move to adopt, Mr. Chairman.

21

22 MR. KATCHATAG: Mr. Barr?

23

24 MR. BARR: Move to adopt.

25

26 MR. KATCHATAG: We have a proposal to adopt --
we have a motion to adopt Proposal Number Two. Do I hear a
second?

29

30 MR. LOCKWOOD: I'll second it.

31

32 MR. KATCHATAG: We have a second. Discussion?

33

34 MR. OTTON: Yeah, for discussion purposes, if
I was to vote against it, and then I'm the lone dissent, and
everybody approves this, what would happen to my vote or -- you
know, what?

38

39 MR. KATCHATAG: you would be on record as
voting against the adoption of Proposal Number Two.

41

42 MR. BARR: And, Mr. Chairman, the purpose of
this motion is just to extend the day -- the hunting days, open
season from April 15th to end of April, right? Is that right,
Mr. Lockhart?

46

47 MR. LOCKHART: April 30th. April 15th to April
30th.

49

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1 MR. BARR: April 30.

2
3 MR. LOCKHART: For the trapping season.

4
5 MR. BARR: Trapping season, yeah. And the bag
6 limit, is that -- you had mentioned that earlier, Mr. Chairman?

7
8 MR. KATCHATAG: Look on page seven and compare
9 it to page six. You have hunting regulations which outline
10 unit, harvest limit and open season as they exist now on page
11 six. The proposed change is on page seven, whereby the harvest
12 limit is changed from what is shown on page six to those in the
13 shaded areas on page seven. In other words, for Unit One to
14 Four, where there is no limit now with the present season of
15 July 1 to June 30, under the proposal, Unit One to Four would
16 have a harvest limit of five wolves between the -- with an open
17 season of August 1 to April 30.

18
19 MS. ARMSTRONG: Yours would just be considering
20 the Unit 22.

21
22 MR. LOCKHART: Right.

23
24 MR. KATCHATAG: Aren't these statewide
25 proposals?

26
27 MR. LOCKHART: They are statewide.

28
29 MS. ARMSTRONG: Statewide, oh, okay. Okay.

30
31 MR. KATCHATAG: So they are statewide
32 proposals.

33
34 MS. ARMSTRONG: Uh-huh.

35
36 MR. LOCKHART: Right. Yeah. As it affects
37 this region, it will only be Unit 22, but you certainly -- you
38 comment on the proposal as it is, and if there's concerns for
39 other units that are adjoining you, then you certainly should
40 be able to comment on those.

41
42 MR. KATCHATAG: Any further discussion on
43 proposal Number Two, or any questions regarding what the
44 proposal is about?

45
46 MR. OTTON: Well, I don't want to take the
47 time, but for hunting and trapping, I kind of like having
48 November 1st to March 31st as the trapping regulations states.

49
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Most everything got out to March 31st. Or some do. I kind of like that, then days for both hunting and trapping. That's when moose -- I mean, not moose, but wolf are any good for us. Any other time, they're not worth the pelt they're living in. Having these -- all these August 10th through April 30th, I think having -- like what he said, you know, they just accommodate the big game hunters that would like to hunt moose as a sideline, or as a trophy. And, you know, us people that use the wolf, we use them for a purpose, and that's to -- for our ruffs, you know. We're not in the villages out to catch a wolf as a sideline say when you're hunting caribou or moose. And I would feel real comfortable in adopting these only if the open season dates were all changed for both hunting and trapping to November 1st to March 31st. But then I'm only one vote.

15

16

MR. KATCHATAG: Well, the idea, Mr. Otton, is to convince the other people on the Council to agree with you and vote along with you.

19

20

MR. OTTON: I have so made my pitch.

21

22

MR. KATCHATAG: Any further discussion on Proposal Number Two? Again, Proposal Number Two is to change the wolf-hunting regulations by changing the harvest limits, and also standardizing the -- not really standardizing -- the open season for hunting to August 10 to April 30, changing the harvest limits to those shown in the shaded areas on page seven. And also to change the trapping regulations to the open seasons shown on page eight. Any further discussion?

30

31

MR. BARR: Mr. Chairman?

32

33

MR. KATCHATAG: Mr. Barr?

34

35

MR. BARR: Mr. Chairman, how come, you know, by Otton would like to have that open until March 31, you know, is there shedding or what's wrong with the fur?

38

39

MR. OTTON: Yeah, starting in April they, you know, the days get longer and then they -- just like a dog, you know, when it comes springtime in April and mainly you start seeing the wolves, they just start shedding. I guess some people I know in Buckland, I guess, they told me, "Yeah, they might still be good in April, you know," but I thought March 31st looked like a pretty good date to me. I would go along with April 31st for trapping if we can put it to hunting, you know. And November 1st to April -- what's the last day of April? 30th. If they just took both -- for both hunting and

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trapping.

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MR. LOCKHART: Mr. Chair?

3

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MR. KATCHATAG: Yes, Mr. Lockhart?

5

6

MR. LOCKHART: Mr. Otton, that is the current regulation is to April 30th for hunting.

7

8

9

MR. OTTON: I thought it's April 15th.

10

11

MR. KATCHATAG: Yeah.

12

13

MR. OTTON: Oh, it does go April 30th.

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MR. OTTON: Yeah, but the -- for hunting they start in

MR. LOCKHART: August 10.

MR. OTTON: August 10th, yeah. And you've got August, September, October, those three months are -- the -- for old people that are knowledgeable on wolves, they say you shouldn't really be hunting wolves at that time, because the pelts are worthless, you know. You know, it's not good to catch a wolf when it's not in prime, because it's just a wasted skin, you know. Yeah. For -- I don't know about the other regions, but for Game Unit 22, and I believe that's the only one we're worried about for now, is that right? To change the hunting and trapping regulations from November 1st to August -- April 30th for both hunting and trapping, I would go along with what Fish and Game wants, to drop -- drop down to five pelts for harvest limit.

If I may make an amendment to the motion made by -- I don't know who made the motion.

MR. KATCHATAG: We have to act on this motion before we can act on any further motions.

MR. BARR: Question.

MR. KATCHATAG: The question's been called. All those in favor of adopting Proposal Two as shown, signify by saying "aye"?

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(No aye votes.)

1
2 MR. KATCHATAG: All those opposed, "nay"?
3
4 ALL: Nay.
5
6 MR. KATCHATAG: For the record, I would like a
7 roll call vote. Madam Secretary?
8
9 MS. MUKTOYUK: Bill Barr?
10
11 MR. BARR: No.
12
13 MS. MUKTOYUK: Ted Katcheak?
14
15 MR. KATCHEAK: No.
16
17 MS. MUKTOYUK: Roy Otton?
18
19 MR. OTTON: No.
20
21 MS. MUKTOYUK: Sheldon Katchatag?
22
23 MR. KATCHATAG: I reserve the right to vote
24 after the rest of the Council.
25
26 MS. MUKTOYUK: Yeah. Uh-huh. Loretta
27 Muktoyuk, abstain. George Lockwood?
28
29 MR. LOCKWOOD: No.
30
31 MS. MUKTOYUK: Leonard Adams?
32
33 MR. ADAMS: No.
34
35 MR. KATCHATAG: Madam Secretary, what is the
36 tally of the votes?
37
38 MS. MUKTOYUK: One, two, three, four, five
39 no's, one abstention, and your vote.
40
41 MR. KATCHATAG: So the motion before us,
42 Proposal Number Two, has failed. If you want to reconsider to
43 amend, now is the time. Is that not the proper procedure?
44
45 MS. ARMSTRONG: Uh-huh.
46
47 MR. OTTON: If there was an amendment made to
48 the motion made of which we just got done voting, to have -- I
49
50

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would accommodate the wishes, personally, of Alaska Department Fish and Game, you know, that

2

3 MR. KATCHATAG: I think the proper procedure
4 would be for you to call for a reconsideration, since you did
5 vote in the prevailing side.

6

7 MR. OTTON: Okay. Well, could I ask a little
8 question first,

9

10 MR. KATCHATAG: Sure.

11

12 MR. OTTON: before I attempt to do
13 anything? Once we kill this, what happens?

14

15 MR. LOCKHART: Your recommendation that would
16 be before the Board is that they do not adopt this proposal.

17

18 MR. OTTON: Okay. I will consider no
19 recommendations or anything.

20

21 MR. KATCHATAG: Okay. So everything as is
22 written in -- all of page six and the top of page seven is the
23 regulation as it would stand as far as we're concerned, right?

24

25 MR. LOCKHART: What you would be doing would be
26 voting to oppose all the regulation changes that the Alaska
27 Department of Fish and Game has recommended on the bottom of
28 page seven and the top of page eight. Those were actually the
29 changes.

30

31 MR. KATCHATAG: Right. We're -- but we're
32 keeping the hunting and the trapping regulations as they exist
33 on page six and seven?

34

35 MR. LOCKHART: That's correct.

36

37 MR. KATCHATAG: Okay.

38

39 MR. OTTON: Okay.

40

41 MR. KATCHATAG: Any further discussion on
42 Proposal Number Two?

43

44 MR. LOCKWOOD: I think working on things like
45 this, we need more public ideas, what they think.

46

47 MR. LOCKHART: Actually this

48

49

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MR. LOCKWOOD: I think that would help us a lot. There's a lot of them there, they've got good ideas, too.

MR. LOCKHART: Yeah. Mr. Chair?

MR. KATCHATAG: Yes, sir?

MR. LOCKHART: Mr. Lockwood, I think I totally agree with you. This Council meeting though is pretty well attended compared to some of the other ones.

MS. ARMSTRONG: Uh-huh.

MR. LOCKHART: That's -- you're getting some good comments. I'd like to see

MS. ARMSTRONG: In fact, this is the only Council meeting that any public has attended at all. The other 100 councils have just had the Federal people, and there hasn't been any public comments at all. You guys have been the first ones to have a lot of public comments at your meeting.

MR. LOCKHART: And we're quite happy to see this.

MR. KATCHATAG: Moving on to Proposal 63 on page 12 of your booklet. The proposal was submitted by ADF&G, Document Number 94/95-dash-056. Proposed regulation, Subsection dash-point-25(k)(22) moose, Unit 22D. "One moose, however, antlerless moose may be taken only from August 1 to December 31. No person may take a cow accompanied by a calf. Open season, August 1 to January 31." Proposal for regulation change. Subsection blank-point-25(k)(22) moose, Unit 22D. "One moose; however, antlerless moose may be taken only from December 1 to December 31; no person may take a cow accompanied by a calf. Open season, August 1 to December -- excuse me, January 31."

Reason for changing regulation: "The August 1 to March 31 open season and August 1 to December 31 antlerless season in Unit 22D would result in over harvest. The change will also align the federal regulation with that of the State and enable subsistence hunters to avoid confusion regarding legal hunting conditions on State and Federal lands."

Effect of proposed change on wildlife populations: "The change will allow acceptable harvest -- acceptable levels of harvest in Unit 22D."

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Effect of proposed change on subsistence users: "The change will allow optimum harvests for subsistence users in 22D."

3

4

Additional information: "None provided."

5

6

For the record, 22D is that area from approximately Cape York, it looks like through the Continental Divide, all the way into the headwaters of the Kuzitrin River, all the way around Mount Bendeleben, the ridge line above Pilgrim Hot Springs, and all the way around the Kugluaik Mountains to just north of Singigyak. For the record, that's this area of the Seward Peninsula here. Mr. Lockhart?

13

14

MR. LOCKHART: Thank you, Mr. Chair. This proposal as you mentioned would essentially shorten the antlerless moose season in Unit 22D from five months to one month. And that would be done in order to reduce the harvest of cow moose, and to align the Federal season and the State season. As we talked about before in the other proposal, the moose season -- the moose population is in a general trend -- a general state of decline in Unit 22D. Only rural residents of Unit 22 have been determined to have customary and traditional use of moose in 22, however, public -- Federal public lands currently are not closed to residents other -- to any other users.

26

27

Until recently, the State season was the same as the Federal season. Regulations, however, under State antlerless moose can only be taken in December.

30

31

One of the big concerns that we have with this proposal is not with the proposal, but the fact that we have such widely divergent regulations is that in this part of Unit 22 only a third of the Federal land -- only a third of it is Federal land, and it's broken up in a very checkerboard manner, which makes it very difficult on the users who would be out there trying to hunt under Federal subsistence regulations, if the seasons remain as they other. In other words, the State season being very different than the Federal season.

40

41

The -- It's important to note that there is an identified increase in pressure on cows, reported hunting pressure on cows. Between the regulatory years 1984 and 1985, and 1988 and '89, only about 20% of reported harvest was cows, whereas in the regulatory year -- more recent regulatory years 1989 to '90 and 1992 to '93, the harvest of cows has essentially doubled. So there is a concern on the population. We believe that there are needed safeguards to protect the

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continued health of the moose population in Unit 22D.

1
2 This -- providing a five-month antlerless season on
Federal lands where there's only a month antlerless season on
Adjacent non-Federal lands, could place increased hunting
pressure on Federal lands and also risk local over-harvest.

6
7 The other risk, of course, again is that we would be
putting the users out there in greater chances of inadvertently
violating State regulations, if they didn't know exactly where
they were, if they weren't on Federal public lands

11
12 Adoption of the proposal would reduce subsistence
opportunities for harvesting cow moose from five months to one
month; however, it's difficult to estimate what degree the
harvest will actually decline since a one-month antlerless
season still provides a substantial opportunity.

17
18 One of the things that we wanted to have considered was
that in view of the fact that few bull moose retain their
antlers in January, there should be -- consideration should be
given to closing the moose season on December 31st rather than
January 31st.

23
24 The only thing I would add is that in reviewing -- and
maybe the National Park Service wants to provide their own
discussion on this proposal, but I think -- I'm not sure how
much -- from the biological information, I'm not sure how much
moose use really -- or moose habitat exists on the Federal --
the National Park Service lands. I should probably find
that.

31
32 Do you have any information to help us out here?

33
34 MR. ADKISSON: What's that?

35
36 MR. LOCKHART: On the National Park Service
lands in 22D, how much of that is moose habitat?

38
39 MR. ADKISSON: There's quite a bit, but it's
pretty inaccessible to most hunters, so I really doubt if as
far as the Preserve goes, there's actually that much harvest
entirely off the Preserve lands. The big problems that you
find in 22D are essentially the road corridors, and the rivers,
in relation to your question about the one month antlerless
season in December, generally by that time the roads are closed
down, so the bulk of the hunting pressure is off that whether
you've got that one month or not. The problem is if you have
an antlerless season earlier in the year, from the time the

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season initially opens, because that's when the road corridors really get hit the hardest. And when people are out there, what they'll do is they'll take their vehicles out, and their ATVs up as far as they can on the road, and then branch out from there.

5

6

MR. LOCKHART: You'll note on the Park Service information that was provided, their formal response, they were concerned about the health of the population, and given the fact that this would constitute a restriction on Federal subsistence opportunities, the Park Service is recommending that Board take action to close Federal public lands within the Bering Land Bridge National Preserve to hunting of antlerless moose other than by qualified residents. And they also ask the Board to consider a similar action for all Federal public lands in Unit 22D. And with that, we'll take questions.

16

17

MR. KATCHATAG: For the record, I'd like to point out that as Mr. Lockhart pointed out is that even though a third of the area in 22D is Federal public lands, the upper portion being the National Park Service lands, there are some BLM in-holdings also within 22D. And I can understand where a person might get into trouble if they thought they were on BLM land and they ended up on either State or private corporation land and ran afoul of the law, because as you can see, the BLM lands are here in the orange color.

26

27

Any further discussion on Proposal 22 -- correction, Proposal 63? Any questions for Mr. Lockhart or any of the staff people?

30

31

MR. OTTON: What communities hunt moose in 22D?

32

33

MR. KATCHATAG: For the record, I see Brevig Mission, Teller, Igloo, Sullivan, Pilgrim Springs, and Dahl on the map, but I really don't know how many of those are occupied other than Brevig Mission and Teller.

37

38

MR. OTTON: Probably Nome, too.

39

40

MR. OLANNA: Can I make a suggestion, Mr. Chairman?

42

43

MR. KATCHATAG: Mr. Olanna?

44

45

MR. OLANNA: Why don't you leave that up to the local residents of that unit to decide?

47

48

MR. KATCHATAG: As much as we'd like to leave

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it up to the local residents to decide, the Seward Peninsula Subsistence Regional Advisory Council is empowered to act on these proposals. So therefore I would defer to Mr. Leonard Adams as to what the general feeling in the Brevig Mission/Teller area is regarding this particular proposal?

5

6 MR. ADAMS: I don't think I heard any comments
on the open seasons. I think that they are -- like from August
8 to January 31. From City Council.

9

10 MR. KATCHATAG: Mr. Adams, could you please
speak up?

12

13 MR. ADAMS: I don't think the people at Brevig
on Teller, I think they'll go along with their regulations on
the open season August 1 to January 31. And their bag limit of
one moose per person, regard

17

18 MR. KATCHATAG: Do you think they would have
any objection to the change on the antlerless moose going from
August 1st to December 31st, changing that to December 1 to
December 31st?

22

23 MR. ADAMS: No. I've got nothing to say.

24

25 MR. KATCHATAG: Any other comments or
questions? Bill?

27

28 MR. BARR: No comments.

29

30 MR. KATCHATAG: Does Shishmaref go hunting from
31 in that area?

32

33 MR. BARR: I don't know if they go that far.

34

35 MR. KATCHATAG: Hearing no other questions or
comments regarding the Proposal 63, the Chairman will entertain
a motion as to what the Council wishes to do with Proposal 63?
Mr. Leonard Adams of Brevig Mission has stated that he did not
think that the residents of Brevig Mission or Teller would
object to changing the antlerless moose season to December 31st
41 correction, December 1st to December 31st, from the original
August 1st to December 31st. If that not correct, Mr. Adams?

43

44 MR. ADAMS: That's correct.

45

46 MR. KATCHATAG: Okay. What is the wish of the
Council with regard to Proposal 63A? Correction, my mistake.
Sixty-three. Proposal 63. All I can do is ask for motions.

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1 MR. LOCKWOOD: What unit you're talking about?
2 Our unit?

3
4 MR. KATCHATAG: No, 22D. Right here.

5
6 MR. LOCKWOOD: Oh. That includes St. Lawrence
7 Island.

8
9 MR. KATCHATAG: No, it doesn't. Oh, by the
10 way, it does.

11
12 MR. LOCKWOOD: But they don't have moose down
13 there.

14
15 MR. KATCHATAG: For the record, Mr. Lockwood
16 has pointed out that 22D also includes St. Lawrence Island,
17 although I don't think they have any moose out there.

18
19 What is the wish of the Council with regard to Proposal
20 63? Hearing none,

21
22 MR. LOCKWOOD: 22D? You're from there, you
23 should know.

24
25 MR. OTTON: I've got a question, I guess more
26 of procedure. What's going to happen if we don't make no
27 motion or nothing concerning Proposal 63?

28
29 MR. LOCKHART: It would be essentially a no
30 action, it would be -- in other words, you would recommend that
31 the proposal fail

32
33 MS. ARMSTRONG: Uh-huh.

34
35 MR. LOCKHART: is my understanding. Is
36 that correct, Barbara?

37
38 MS. ARMSTRONG: Uh-huh. And it was -- and if
39 you guys took no action on it, then it would still be up there
40 as the top one. It would not change, because this is the
41 proposed change that one that reads right here, "however,
42 antlerless moose maybe taken only from December 1 through
43 December 31st." That's the proposed change. And the guy from
44 Nevig Mission is saying that they would have no problem with
45 that. So the next problem that you guys have is you guys
46 either make a motion to support it or oppose it, and then the
47 motioner gets a second and then you guys vote on it whether you
48 guys oppose it or support it. Then it would get done. Then if

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there's any errors that you have any of these proposals that you guys are working on right now, you guys have another year by next year to make other proposals to correct what errors that you guys have.

4

5 MR. LOCKHART: And the only thing I would add
6 to that finally is that, Mr. Chair, you will be before the
7 Federal Subsistence Board if there is new information that you
8 would want to modify it at that time, you certainly with the
9 concurrence of your Council members, you could certainly
10 suggest a change at the Board meeting.

11

12 MR. KATCHATAG: The Chair is still waiting to
13 entertain a motion.

14

15 MR. ADAMS: I make a motion to change, let's
16 see here, antlerless moose taken from December 1 to December 31
17 instead of August 1 to December 31.

18

19 MR. KATCHATAG: Basically, Mr. Adams, what you
20 are doing is moving that we adopt Proposal 63?

21

22 MR. ADAMS: Yes, I know.

23

24 MR. KATCHATAG: Is that correct?

25

26 MR. ADAMS: Yes.

27

28 MR. KATCHATAG: Okay. We have a motion on the
29 table to adopt Proposal 63. Is there a second?

30

31 MR. KATCHEAK: Second.

32

33 MR. KATCHATAG: Seconded by Mr. Katcheak. Any
34 discussion?

35

36 MR. BARR: Question.

37

38 MR. KATCHATAG: The question's been called.
39 All those in favor of adoption of Proposal 63 signify by saying
40 "aye"?

41

42 ALL: Aye.

43

44 MR. KATCHATAG: All those opposed, "nay"? The
45 motion carries. Proposal 63 is adopted.

46

47 Moving on, we are now on the Marine Mammal Commission
48 Koyuk, Shaktoolik, and Elim. Mr. Roy P. Otton, Koyuk IRA

49

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President.

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MR. OTTON: I guess I kind of covered it a little bit a while ago on Marine Mammal Commission. I gave a copy to Luci Eningowuk and I guess what we're doing is we're attempting to regulate marine mammals through our IRA councils for ourselves. And by doing that, we -- we're enforcing our own rules and regulations. Short and sweet.

8

9

MR. KATCHATAG: Short and sweet, ladies and gentlemen. Any questions for Mr. Otton on the Marine Mammal Commission of Koyuk, Shaktoolik and Elim from the Council? Staff? Public? Hearing none, what is the wish of the Council as to -- or was that informational purposes? Do you wish us to?

15

16

MR. OTTON: No.

17

18

MR. KATCHATAG: In consultation with Mr. Otton, Koyuk IRA President regarding the Marine Mammal Commission, he had presented this information for informational purposes. So that particular item has been taken care of.

22

23

I know one thing that's near and dear to the people of Shishmaref would be the musk ox and the musk ox management plan as proposed by the State. In the interest of time, what is the wish of the Council? Do we wish to chair the rest of our agenda and take it up at our next meeting?

28

29

MR. OTTON: This management plan's got a deadline for March -- or April 1st. This -- so, you know, if anything's got to happen, we've got one month to work on it.

32

33

MS. MUKTOYUK: Mr. Chairman, is there another place where we could meet and complete our agenda?

35

36

MR. KATCHATAG: Mr. Adkisson?

37

38

MR. ADKISSON: Since Bob Nelson or any other people from the State aren't here, maybe I could just provide some quick information, a little bit of background information on that plan.

42

43

MR. KATCHATAG: Mr. Adkisson, before you get into that, Ms. Muktoyuk has asked whether or not there is facilities available where we can continue with our agenda and vacate the premises so that the Bingo game can begin as scheduled. I think they start at seven. Is there some place?

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UNIDENTIFIED: There's my office at the City.

MR. KATCHATAG: Is that back over here?

UNIDENTIFIED: Yes.

MR. KATCHATAG: The Chair will entertain a motion to recess to the City Offices.

MR. OTTON: How long will it be?

MR. KATCHATAG: Well, we're looking at the musk ox management plan for Seward Peninsula, the chum crash, the Federal salmon management request, the Federal Subsistence Board meeting. That's more informational than anything.

One last thing I'd like to point out, since we do have an audience here, if you or anybody you know would like to apply for the two vacancies that appear to be coming up this year for two one-year seats on the Council, applications are available over here on the desk. And it's just one, two, three, four, five, six, seven, eight -- eight basic questions. And I guess all the names are put into a hat and Mr. Babbitt makes his appointments from those nominations.

MR. IYATUNGUK: How long is your recess?

MR. KATCHATAG: Until we can meet over there, I recess. So I would entertain a motion to recess for ten minutes or I will go ahead and recess us for ten minutes, and we'll reconvene at seven in the City Chambers -- City Offices rather.

(Off record) 6:50 P.M.

(On record) 7:05 P.M.

(Council meeting reconvened in the offices of City of Shishmaref)

MR. KATCHATAG: Okay. I'll call the meeting back to order. We only have about four items left on our agenda. They being the musk ox management plan for Seward Peninsula, the chum crash -- I'm combining the chum crash and the Federal salmon management request as one item, because they're related, and then nine and ten, which are the regulation change proposals, if any, and comments.

So now go to the musk ox management plan for Seward Peninsula. And seeing as how my vice chair has a copy of the plan, I'll let him review the plan for us.

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1 MR. OTTON: Barb, have you got copies of that?
2
3 MS. ARMSTRONG: That letter?
4
5 MR. OTTON: Yeah.
6
7 MR. BARR: You can close that door there if you
8 want.
9
10 MR. LOCKWOOD: Where do you find this musk ox?
11
12 MR. KATCHATAG: He has a
13
14 MR. LOCKWOOD: Oh, yeah.
15
16 MR. KATCHATAG: He has one copy.
17
18 MR. OTTON: The Kawerak Subsistence Committee
19 had met the other week, and I made copies of a letter. Who are
20 we missing?
21
22 MR. KATCHATAG: You got us.
23
24 MR. OTTON: Loretta?
25
26 MR. BARR: She's got one.
27
28 MR. KATCHATAG: She's got one.
29
30 MS. MORKILL: Excuse me, Mr. Chair, if you'd
31 like, I have an extra copy.
32
33 MR. KATCHATAG: Okay. Great. Thank you.
34
35 For the record, the Seward Peninsula Cooperative Musk
36 Ox Management Plan has a final draft dated January 24, 1994,
37 and it has been developed by ADF&G in cooperation with NPS,
38 BSM, Reindeer Herders Association, SCS, DNR for the State and
39 the BSNC and NANA. The next to the last sentence in the
40 purpose in the introduction says, "The plan is not permanent
41 and will be subject to revision during the coming years. It
42 will also require continued input from resource users and other
43 interested parties during implementation.
44
45 "Some components of this plan will be carried out
46 immediately, others will take years to accomplish. Suggesting
47 hunting issues are dependent on musk ox population size, growth
48 and distribution. It must comply with limitations imposed by
49
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State and Federal laws and regulations and ultimately must be approved by the Alaska Board of Game and the Federal Subsistence Board.

3

4 "In order to meet our proposed agenda deadline date, please provide your comments no later than April 1, 1994." And the comment address is given as Bob Nelson, ADF&G, Pouch 1148, Nome, Alaska, 99762. Phone number, 907-443-2271. Fax 907-443-8813.

9

10 And I'll turn it over to Mr. Otton for his perspective on the plan and any recommendations that he might have.

12

13 MR. OTTON: Well, before I get into what I've got to say concerning the committee, I guess he's a cooperator, right? Maybe he can give us a run-down, if you -- he may?

16

17 MR. KATCHATAG: Yes, he may. Mr. Adkisson?

18

19 MR. ADKISSON: Okay. I guess to start off with, a number of people saw the need to begin to try to develop a management plan for musk ox, and the musk oxen regulations or whatever that the State has, those proposals will be up for consideration by the Board of Game for the spring of '95, so they'll be looking at musk oxen regulations statewide. And a lot of people saw the need to begin to work on something now.

27

28 While the State ADF&G is clearly the lead agency in putting together this plan, it really is a cooperative effort resulting from the efforts of all of the people mentioned in the plan, just some of which are the National Park Service, the Bureau of Land Management, Bering Straits Native Corporation, the Reindeer Herders Association, and a number of others. And while each and every cooperator doesn't necessarily agree completely and wholeheartedly with each and every provision of the plan, it was something that people felt with that they could accept for now as a starting point, and live with for now, looking towards the day that it would be revised and amended.

40

41 Probably one of the biggest changes in there, there's been some discussion on harvest. And, of course, this plan was really developed before this group existed. And the plan as we now see it has gone through several drafts, and also a series of public meetings in Buckland, Deering, Shishmaref, Wales, Nevig, Teller, Nome, and a call-in radio show. One of the things under discussion is participation, and some of the villages asked if they could be cooperators in it, and we're

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looking towards that now.

1

2 I guess one of the things that this group might want to
3 consider is whether they simply want to relate to this plan
4 through a reviewing and advisory capacity, or maybe they would
5 want to have one of their members actually represent this group
6 on -- you know, as a cooperator in some more direct form. And
7 that's something you may want to take up at some time.

8

9 From the point of view of subsistence users, I guess
10 one of the really important things in it, you know, is the
11 harvest. From my point of view, you know, it's somewhat open
12 to question as to whether the proposed initial harvest limits
13 are really what people want or not, or whether they're
14 realistic, or whether perhaps they can even be larger. There's
15 been -- there's a lot of discussion among the different
16 cooperators on that point, but it was felt given the existing
17 levels of information, it was better to start out conservative
18 and see how things go and then work towards, you know, amending
19 adjusting things down the road.

20

21 It was also felt by the cooperators that the actual
22 issue of allocation itself was really one that we couldn't
23 address. It was too complicated, and it was out of the scope
24 and realm of authority of the cooperators themselves. So while
25 the cooperators felt that the plan could recommend some harvest
26 limits, and a harvest, the actual allocation of that harvest
27 was really up to the State Board of Game and the Federal
28 Subsistence Board.

29

30 What we did in the plan was come up with an appendix
31 three in there which kind of outlines some scenarios or options
32 that possibly could happen relating to allocation of a harvest.
33 And it was more to let people looking at the plan kind of get
34 an idea of what was possible and what some of the options were,
35 and to be thinking about ways to address that issue, because
36 when it finally comes down to the nuts and bolts of it as far
37 as a subsistence harvest goes, it's going to still require a C
38 and T determination by the State and/or the Federal boards.
39 And we get to that point is a whole other issue, and kind of
40 what we did in appendix three was outline the process, a little
41 bit of the process and what some of the possible outcomes might
42 be, anyway from a completely State-managed hunt to the State
43 going off on its -- on a sport hunt, to where the Federal
44 Government would then step in through the Board and institute
45 its own hunting program say for subsistence on Federal public
46 lands.

47

48 That's kind of it in a real brief form.

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1 MR. KATCHATAG: Any comments or questions for
 2 Mr. Adkisson regarding his review of the musk ox management
 3 plan? Mr. Olanna?

4
 5 MR. OLANNA: Yes, I've got a -- I've got a
 6 comment. If you're going to make regulations for harvest,
 7 wouldn't it be better off to find out when the meat is nice and
 8 sweet or whatever it is? Because there are cycles in animal
 9 life that is really noticeable when you can -- the time that
 10 you harvest your meat, that you can notice that in animals like
 11 the -- in the moose, for example, it's nice and tender only
 12 during a certain part of the season. And then the rest of the
 13 time it gets awfully hard to chew on. Maybe the musk oxen may
 14 have the same characteristics, or -- and then maybe again it
 15 might be good meat all the year round. I don't know. This --
 16 I haven't really experienced eating musk oxen before. And I
 17 wouldn't know when it would be all nice and sweet and juicy
 18 meat. And if it had any characteristics like turning sour on
 19 some certain season. I think we'd have to find out from other
 20 sources that -- if available, when the best time it would be
 21 for musk oxen to be harvested.

22
 23 MR. KATCHATAG: Mr. Adkisson, do you happen to
 24 know the rutting cycle of these animals?

25
 26 MR. ADKISSON: I don't personally, but I'm
 27 hoping that maybe some of you do.

28
 29 MR. OTTON: Well, I've had a chance to eat musk
 30 oxen meat, and at first I thought it was caribou. And then I
 31 changed my mind. Now it's got to be moose. But then I
 32 remembered they don't have moose in Greenland, so I would say,
 33 you know, it was a good meat. It had fat to it, and it taste
 34 like caribou, like I said at first, but then I thought it was
 35 moose, but it turned out to be musk oxen. And the people that
 36 was talking to says the cows or the young bulls are
 37 preferable to the big bulls, because the big bulls are pretty
 38 tough, you know, pretty stringy. Hard to chew. So, you know,
 39 that's the impression I got.

40
 41 And also that musk oxen when they rut, a bull,
 42 depending on how big and how champ he is, can service or, you
 43 know, do what he does to make more musk oxen, and they've got
 44 like one bull can take care of ten to 20. It depends on how
 45 champ he is.

46
 47 MR. KATCHATAG: Is that all?

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MR. OTTON: So I, you know, it's not like one bull for one cow, you know.

2

3

MS. MORKILL: Mr. Chairman, I just wanted to add, I believe musk oxen in terms of their rutting are very similar to the ungulates, moose and caribou, you know, it's in the fall, and then they calve in the spring. One thing also in terms of musk oxen hunts on Nunivak and the North Slope, there are regulations, and the timing of those seasons will give you probably an indication of the acceptable harvest time.

10

11

MR. KATCHATAG: Thank you.

12

13

MR. ADKISSON: I think also along that line, you know, the cooperators would, you know, be willing to entertain any kind of information that people would have on that. I think, you know, when -- if you actually get down to having a hunt, you know, it's really like to come from the -- in the State level like from its advisory committees and so forth in the form of recommendations to the State Board of Game as to actually what seasons and bag limits would be established; and likewise if it gets into the realm of the Federal managed hunt, you know, it would have to come primarily from this group as to what recommendations that they would have for establishing season and bag limits to make to the Federal Subsistence Board.

26

27

Really where the plan is now is what the cooperators felt was some harvest limits, or the number of animals that they would accept, remove from the population, consistent with other provisions or other objectives of the plan. And I think that's open for -- open for discussion.

32

33

MR. KATCHATAG: Roy?

34

35

MR. OTTON: I know we've had Bob Nelson in the Norton Sound/Seward Peninsula Advisory Committee of where he talks about this musk oxen plan, and apparently this musk oxen plan has a customary and traditional rating up in Kaktovik, but according to Bob, because they don't know nothing or -- in the first plan, it's stated that the customary and traditional ratings for musk oxen in the Seward Peninsula is up in the courts. So we've been -- our subsistence committee in Kaverak had drafted a letter, and I believe some of you people have had it, to try to make sure that there is a subsistence preference applied to musk oxen so that our local villages in Seward Peninsula would have a crack at getting musk oxen as a source of protein instead of as the State of Alaska wishes to -- or the impression I got is that they would like to open up the

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musk oxen by a lottery system where anybody can go in and get
 1- attempt to get a ticket to hunt musk oxen. And it's our
 feeling that the local people should have first crack and
 probably -- if there's only a few musk oxen taken, that they be
 the only ones that have a chance at getting the musk oxen as
 protein. And then it comes on to a question of customary and
 traditional rating.

7

8 Apparently the Federal Subsistence Board has eight
 points of criteria which they cloned off the State Fish and
 Game on point system on how they rate customary and traditional
 ratings on this. So we -- In this letter, we've attempted to
 try to make sure that we get customary and traditional rating
 for subsistence preference for the villages that has musk oxen
 in their vicinity.

15

16 I guess, according to Bob Nelson, they've got -- they
 found skeletons or skulls of a musk oxen right around Kougarok
 River, so we had debated this quite a long time in our last
 meeting, not this last one, but a year ago's meeting, where we
 said that it follows our logic that if there were musk ox on
 Seward Peninsula, it was sure as heck that our ancestors had
 used that as a source of food for, you know, to eat. And
 that's what we need to find out, is that there was actually
 musk oxen in the Seward Peninsula for a fact, and, you know,
 from doing that, then we might have a chance to get a customary
 and traditional rating.

27

28 Now, we felt that there was precedence in Kodiak where
 on one of them islands down there where they had introduced
 elk, and they gave the elk a customary and traditional rating,
 and I think there -- by that fact, that they set a precedent so
 that they should give musk oxen in the Seward Peninsula
 customary and traditional rating, so, you know, following that
 line, that -- there were some of the recommendations we made
 from the Subsistence Committee.

36

37 MR. KATCHATAG: Mr. Olanna?

38

39 MR. OLANNA: Mr. Chairman, there's -- I see
 something wrong with the customary and traditional rating,
 because if you take a look at the reindeers, they were brought
 to Alaska in -- I forgot what years it was, about 1930s, and
 it didn't take long for reindeer to become traditionally Eskimo
 food, right? It didn't take that long. So I don't see what
 all the fuss is about making musk oxen into a rating. I mean,
 there's no sense into it. You have to use common sense in
 order for things like food to try and become regulated in the
 Federal Government or the State Government. I mean, it didn't

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-- So that I just wanted to point out that it didn't take the reindeer that long to become traditionally considered a food for the Eskimos.

3

4 MR. KATCHATAG: On page -- thank you,
Mr. Olanna. On page 15 of the plan, in appendix two, it gives
6 a little background information on musk oxen within the region.
7 Historical information indicates musk oxen most likely
8 disappeared from Alaska during the late 1800s. So about 100
9 years ago they were wiped out. At that time remnant
10 populations occurred only in portions of Canada and Greenland.
11 Some authors believe that historic musk ox distribution in
12 Alaska was restricted to the North Slope, and those authors are
13 Spencer and Lindsey, and they published this in 1970. However,
14 Smith in 1987 reported that Russell in 1898 believed that musk
15 oxen were once abundant from the McKenzie Delta to the Bering
16 Strait.

17

18 In an effort to preserve the species from extinction
19 and to eventually effect their reintroduction into historic
20 Alaska range, a herd of 31 musk oxen from Greenland was
21 introduced to Nunivak Island during 1935 and '36. The
22 introduced population grew rapidly and has served as a source
23 of animals for transplants to four other sites in Alaska.

24

25 The extent that musk oxen inhabited the Seward
26 Peninsula is unknown. Smith in 1987 provides reference to
27 skeletal material collected by the Beachie expedition between
28 1825 to 1828 at Elephant Point on Eschscholtz Bay, Northern
29 Seward Peninsula. It was emphatically stated that the musk ox
30 bones collected were of recent origin. The Beachie expedition
31 also reportedly interviewed a man from the Buckland River area
32 who appeared familiar with the species, suggesting that musk
33 oxen still survived, or had only recently been exterminated.
34 And this is in Bob Nelson's own words.

35

36 As far as the eight criteria that the State uses, on
37 page 17, under subsistence -- under State musk ox hunt, number
38 800, a subsistence hunt, it reads, since the Alaska Supreme
39 Court decision in the McDowell case in 1989, all Alaskans have
40 been eligible for State subsistence hunts. Under current law,
41 the State is not able to provide a priority for rural
42 residents. This diverges from the subsistence protection
43 provided by Title Eight of ANILCA. To authorize a subsistence
44 hunt, the Alaska Board of Game must first determine that musk
45 oxen have been used customarily and traditionally for
46 subsistence. The Board will review staff reports, public
47 testimony and any other available information to determine
48 this, using the following eight criteria: One, length and

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consistency of use; two, seasonality of harvest and use; three, efficient and economical means and methods of harvest; four, geographical area of use; five, methods and means of handling, preserving, storing, and preparing; six, inter-generational transmission of knowledge, skills, values, lore; number seven, distribution and exchange of resources; and, eight, reliance upon a diversity of resources in the area. At this point, no determinations have been made regarding customary and traditional use of musk oxen for areas or communities on the Seward Peninsula. That's the criteria that would be used to determine whether or not a subsistence hunt would be authorized under the State.

12

13 Under the -- on page 18, under Federal musk ox hunt, it states that the Federal Subsistence Board may authorize a subsistence musk ox hunt regardless of the State's actions.

16

17 George?

18

19 MR. LOCKWOOD: Yeah, I think it would be good
20 -- since they been trying to increase the musk ox, at least
21 through estimate of many -- how much -- how many musk ox in --
22 are in Unit 22, Nome. That's our district here.

23

24 MR. KATCHATAG: Okay. On page

25

26 MR. LOCKWOOD: Estimate number.

27

28 MR. KATCHATAG: Okay. On page two of the musk
29 management plan, under current status, it states that
30 although musk -- most musk oxen are distributed in the western
31 half of the Seward Peninsula, subunits 22D and E, animals are
32 also found in the southern Unit 23, and in subunits 22B and C.
33 Musk oxen occur on lands managed by the State, NPS, and BLM
34 and on private lands managed or owned by -- managed or owned by
35 BSN, NANA, various village corporations and others. An
36 extensive population survey conducted in April of 1992
37 throughout the western portion of the Seward Peninsula revealed
38 individual groups containing a minimum of 706 musk oxen.
39 The total number of animals located in the different subunits
40 and units were: Subunit 22E, 180; 22D, 340; Subunit 22C, 49;
41 22B, three; and 23, 134.

42

43 MR. LOCKWOOD: Now, can I

44

45 MR. KATCHATAG: George?

46

47 MR. LOCKWOOD: You know, with that amount of
48 musk ox in our district here, I think we just hold on until

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they get more.

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2 MR. KATCHATAG: Yeah, and I think that's the
3 goal of this plan, because it states in here that there are
4 certain guidelines which will determine whether or not any
5 hunting will be allowed. And so -- Roy?

6

7 MR. OTTON: Talking about numbers, I think if I
8 remember this right, this plan should start kicking in once
9 they reach a total of 950 musk oxen. And then -- I've got --
10 that's the original draft of where we talk about page 15, and
11 there it should be another couple pages more. About -- you
12 mentioned the skeletal remains. But at that time I figured out
13 with, you know, arithmetic, on how much it should be. From the
14 14 from what I can gather from the people that know musk oxen
15 in the Banks Islands in Canada, they said that, and these
16 people also stated that like one female can calve every year,
17 30, you know, you get one female that starts making babies, and
18 then probably for ten years, he can have ten offspring or more,
19 depending on whether you get triplets or twins. So, you know,
20 I guess after they reach a certain number, then they really
21 multiply quite fast.

22

23 But I was trying to do arithmetic with the numbers they
24 had and I came up with a figure of 1100, at least 1100 musk
25 oxen, and this plan starts to kick in when there -- they wanted
26 to start kicking this plan in when there's 950 animals, so if
27 my arithmetic is right, then this plan could start kicking in
28 as soon as it gets passed, and I guess, you know, in 19 --
29 what are they looking at, 1985?

30

31 MR. KATCHATAG: 1995.

32

33 MS. MORKILL: 1995.

34

35 MR. OTTON: 1995 when it kicks in, so, you
36 know, they're ready to start gathering lottery tickets to
37 harvest musk oxen, depending on which way they go, you know.
38 They have talked about tier one and they talk about tier two.
39 Either way, you've got to compete to get a ticket to harvest an
40 animal with people from Anchorage or wherever, who's got the
41 money to come, you know, to hunt.

42

43 MR. LOCKWOOD: Mr. Chairman, I think they
44 should -- they shouldn't be open to big hunters, you know.

45

46 MR. KATCHATAG: Sport hunters?

47

48 MR. LOCKWOOD: The sport hunters. I think they

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shouldn't even be open for that with that amount of musk ox we have. It's important to raise and multiply them. That's just the way I think. That's my idea. I don't know about you guys. They can be useful subsistence, and I believe that I would leave the sport hunters away from those

5

6

MR. IYATUNGUK: Mr. Chairman?

7

8

MR. LOCKWOOD: where they were trying to increase.

10

11

MR. KATCHATAG: Mr. Iyatunguk?

12

13

MR. IYATUNGUK: Yeah, talking with Bob Nelson last fall, he said -- he was asking about who should be hunting these animals. I said -- I gave him suggestion to where subsistence would have to be first if any hunting is going to occur at all. And no outside hunters should come and hunt, because it -- we have been raising them in our area and our land for all these years since they put them on. We have protected them and not killed any, and I said -- I told him that we should be the ones that they should look at first as subsistence hunters to utilize that animal before any sports hunters come around and do the slaughtering for us, which we don't need.

25

26

MR. KATCHATAG: Thank you, Mr. Iyatunguk.

27

28

MR. LOCKHART: Mr. Chair?

29

30

MR. KATCHATAG: Yes, Mr. Lockhart?

31

32

MR. LOCKHART: I'm not sure, maybe I'm out of order here with the discussion, but I'm -- there was a something that you said a little earlier about the Federal Subsistence Board being able to implement a hunt. We do have a negative C and T finding for 22D and 22E, so that means the Federal Subsistence Board cannot authorize a hunt unless that's the C and T determinations are revisited and they find a positive C and T finding. If it was a no determination, then they could institute a hunt, but since it's a negative one, they cannot.

42

43

MR. KATCHATAG: Is this negative C and T determination, is it a default determination?

45

46

MR. LOCKHART: It's a no -- in other words, when -- what we did was we -- the Federal Subsistence Board simply adopted the State's as you know when we took over, and

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at that time on the State's books, they had undergone an evaluation and determined that it was not a subsistence use. So it's not that an evaluation hasn't been done. One has been done, but they determined that they were not a subsistence species. So that creates a problem. You know, I'm not disagreeing with your philosophy. I'm just saying that from the standpoint of the next step to get even a federally authorized hunt would require additional C and T evaluation, and a positive determination.

9

10 MR. BARR: Mr. Chairman?

11

12 MR. KATCHATAG: Yes, Mr. Adkisson?

13

14 MR. ADKISSON: I don't have -- I don't know the whole history behind that, but I believe that that earlier determination, no determination -- or the no subsistence finding was done somewhat early on. I know that the ADF&G Subsistence Division had been preparing briefing statements on C and T, and I believe they were moving towards a favorable finding at the time that the McDowell decision came down, and it basically just terminated or truncated that process. From the forms that I have seen, like I said, I think they were trying to move towards a favorable determination based on some of the things that have been going on up further north, like up around Kaktovik. Where that leaves us, I don't really know, except that currently the Federal system, through its adoption of the earlier State thing, does have that no subsistence findings on its books. I think that's well open to discussion and revisiting, however.

30

31 MR. OLANNA: So what's this C and T?

32

33 MR. LOCKHART: Customary and traditional use determination.

35

36 MR. OTTON: Yeah. You know,

37

38 MR. OLANNA: So what you're saying is then that if the Federal Government decides to take over subsistence, then they would set the rules instead of consulting with the locals?

42

43 MR. KATCHATAG: Actually they have already taken over subsistence on public, Federal public lands in Alaska. That's what we're here for. The State still manages subsistence on subsistence land, if I'm correct?

47

48 MR. LOCKHART: On non-Federal lands.

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1 MR. KATCHATAG: On non-Federal land. So it's
2 already there.

3
4 MR. ADKISSON: I guess the worst case scenario,
5 you know, that I would see it be is if it got into the State
6 system, and they authorized a sport hunt, and then because of
7 that, for example, under existing ANILCA law, the Preserve, for
8 example, is open to sport hunting, that we would be faced with
9 having to deal with a State sport hunt for musk oxen, and the
10 only recourse that we would have to that would be for say a C
11 and T, a favorable C and T determination by the Federal Board,
12 and then we would be able to look at the harvest amount and say
13 that it was such a small amount that it couldn't support a
14 sport hunt,

15
16 MR. LOCKHART: Right.

17
18 MR. ADKISSON: and close down the sport
19 hunt part of it, and then just go with the federally managed
20 subsistence hunt. And that's one scenario. Hopefully it won't
21 get to that, but it's a possibility.

22
23 MR. OLANNA: The other scenario would be if the
24 Federal Government just say to become involved with the civil
25 war and Bosnia and forgot all about us poor folks.

26
27 MR. KATCHATAG: Thank you, Mr. Olanna. Wow,
28 that was -- I'm sorry, Mr. Olanna, but it just -- that just
29 struck me just as being so far out that, you know, it just
30 knocked me. That was the last thing I expected to hear would
31 be the war in Bosnia.

32
33 MR. BARR: Do we have to send comments in,
34 Mr. Chairman to -- on this proposal or?

35
36 MR. KATCHATAG: I think that as the Regional
37 Advisory Council we should. Now, this is my personal opinion.
38 We do have a deadline of April 1, and they do make mention of
39 the fact that the Federal Subsistence Board could authorize a
40 subsistence hunt, and if I understand you correctly, they would
41 have to make a C and T determination

42
43 MR. LOCKHART: That's correct.

44
45 MR. KATCHATAG: before they could
46 authorize a hunt?

47
48 MR. LOCKHART: That's right. They'd have to

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make a positive C and T.

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MR. KATCHATAG: Now, the question that I have for you then would be that if the State authorized a lottery sport hunt and were challenged under the Federal subsistence priority, could the Board not be overturned as far as the C and T determination?

7

8

MR. LOCKHART: You mean challenged by a third party and it's --? I couldn't speculate on something like that. I mean, I think, you know, some of the information that they were suggesting that may be in the background as far as the State's more recent evaluations, that would probably come out in a challenge and it might hold up. But I just -- I couldn't speculate on it at all. Who knows what happens when you get into the courts.

16

17

MR. ADKISSON: Maybe a little more background, too, on that, Mr. Chairman. I believe that John Cody is going to be going to the State Board of Game fairly shortly to kind of begin to feel them out maybe on how they might look towards C and T determination of some kind by the State, trying to recast what might happen before the musk oxen proposals come before them in the spring of '95. When that information, when I'll get that back, I don't really know. I just know that basically he wanted to, I guess, take this plan and show it to the State Board of Game well in advance of the spring '95 meeting and try to get a feel for what they might do, what direction they might think about taking.

29

30

One of the problems -- one of the things that the State has, of course, is that regardless almost of where they're at on the C and T right now, they really have no rural preference, and anybody who's a qualified subsistence user in the State is really, you know, eligible to hunt, and what they've done in some of the areas, to try to get around that, is issue their permits for a very restricted, limited time in a very restricted location. For instance, like say if we were going to have ten permits on the Seward Peninsula, they might issue five of them in Wales for about three days or something like that. And it's strictly on a still first-come-first-served basis. It's their way of trying to winnow out the nonlocal hunters, but it doesn't prevent somebody from flying in say from Anchorage and camping in front of wherever they're going to issue the permit for a week and still getting one. Or it doesn't prevent all the school teachers in town from running down first thing and lining up, you know, for a permit. So the State's got some, you know, tough things that they're trying to cope with on that, but it's going to be hard to get one.

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1 The other thing on the C and T issue is that, and maybe
 2 you could correct me, too, or provide some additional
 3 information from a Fish and Wildlife perspective, the people
 4 I've talked to anyway, the impression that I've been left with
 5 with C and T right now on the Federal process is that it's
 6 complicated. There are a lot of problems. Some of the
 7 agencies seem to be approaching it perhaps somewhat
 8 differently, but they're trying to tackle it sort of region by
 9 region or area by area. And it's very likely that it's going
 10 to be some time before they ever get around to dealing with the
 11 Seward Peninsula area.

12

13 I guess what might have to happen would be something to
 14 come from this group to the Board in the form of a formal
 15 request for a C and T determination, and then just start, you
 16 know, fighting it out and see where it goes.

17

18 When you look at the C and T thing, I think the eight
 19 criteria, we've been working with them for a long time. They
 20 work in a lot of cases, but I think they're severely flawed in
 21 some other areas. And one of the problems is, is that they
 22 don't really accommodate really the dynamics and changes in
 23 subsistence systems. And we've got to come to grips somehow
 24 with that, but, you know, I don't know if it's going to work
 25 this time around.

26

27 One of the things is elk was brought up. Moose I
 28 think's another one. If you really look at the paleontology,
 29 the fossil record of moose on the Seward Peninsula, for
 30 example, you find them way, way back, a long time ago in trail
 31 creek caves. Then they're gone for a long time, until they
 32 came up here again about, you know, roughly about 40 years ago.
 33 And nobody has any problem with calling moose, you know, a
 34 favorable C and T determination. If the State hadn't had laws
 35 preventing the harvest of musk oxen from when they were first
 36 introduced in 1970, we would now on the Seward Peninsula have
 37 over a 20-year history of hunting them. So really the State
 38 regulations prevented the harvest, and prevented a use. But
 39 you know, you really look at how people use the land and
 40 what they do, you find it all fits within the customary and
 41 traditional framework. The only difference is they haven't
 42 been harvesting.

43

44 So I think you can still make a good case, but it seems
 45 the direction that some of the people are headed in now.
 46 40 years ago I would have been very hesitant to even think
 47 about predicting a successful outcome. Now, I think there's
 48 probably a fair chance that, you know, it would be a favorable
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one, but again, you know, that's just my perception of the thing, and until the Board actually makes a ruling, you don't know. And I wouldn't promise a successful outcome, but I think we're a lot closer to one than we would have been a few years ago.

5

6 MR. KATCHATAG: Looking on page 13 of the plan, under "Management Problems," number one, "illegal harvest of musk oxen appear to be increasing in some areas." The way it looks to me, that the only way you're going to get a favorable C and T ruling is to have a history of illegal harvests.

11

12 MR. OTTON: Yes.

13

14 MR. KATCHATAG: And I'm not sure, you know, that -- I know I haven't been to Greenland, but I've tasted musk oxen, so I'm going to get that on record that I do have at least a taste. Maybe that will give me a better C and T ruling over somebody who hasn't even had a taste.

19

20 MR. OTTON: Yeah. If the Feds or the State don't come up with a customary and traditional rating for musk oxen, it is not inconceivable that a third-party or a bunch of third-parties could take the State or the Feds to Court, saying that, you know, "this -- the food source is right there, but then we're forced to compete by lottery for people from around the State, and there more than likely will be sport hunters, you know, to go after a food that was right here." So, you know, and I'm pointing at an example, the Kilbuck herd there where there -- one of the IRAs down there took the State to Court, and now the 11 villages that surround the Kilbuck herd has a management plan of where they dole out permits of where, you know, and the local villages have access to that herd, and, you know, something that could possibly happen for our area if there's no customary and traditional rating for the musk ox. So, you know, that's one of the dangers of why the State and Federal Subsistence Boards should really look at passing a customary and traditional rating, you know.

38

39 MR. LOCKHART: Mr. Chair, I -- go ahead.

40

41 MS. MORKILL: I just also wanted to state, you know, once the State Board of Game or even the Federal Subsistence Board makes a decision, say, that there is a negative determination doesn't mean that won't change, you know, in the future. And I think there are some cases. As a matter of fact, the musk oxen on the North Slope were originally not considered customary and traditional, and through time the locals proved that they were incorporating

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that resource into their subsistence lifestyle, and that at least in the future, you know, if this -- the communities, even if it's a sports hunt, you know, if you could keep those permits, and you show that indeed you are incorporating the musk ox into your lifestyle, that the Federal Subsistence Board, and the Board of Game could reconsider that determination, too, if it puts it into the further picture, and, of course, you want to start out with positive determination, but that's another way to look at it, is it's not a final determination.

10

11

MR. KATCHATAG: Thank you. In thinking about this, I think I think I would recommend that as the Subsistence Regional Advisory Council for the Seward Peninsula, that my attitude toward things like this, that is a good offense is the best defence. And by saying that, I mean, that we as the Regional Council should kick the ball and get it rolling now so that we're ahead of the curve. In other words, we're being proactive to the situation rather than reactive once the State turns around and comes out and says that there is no subsistence priority on this resource.

21

22

One argument that I could see as being viable would be that we have incorporated musk oxen within our ecosystems, and by allowing them to be protected and thrive within our ecosystems, that we have exerted de facto husbandry on that resource. In other words, we could have wiped them out while they were the original 35, and we would have all broken the law, but all 35 would have been gone, and there wouldn't be 706 toicker about. So I think on the face of it, we have exerted some, if you will, animal husbandry on this resource by allowing them to not only live within our ecosystems, but also to thrive and grow. So we could probably make a case saying that, you know, if you allow a resource to grow and thrive within your environment, then technically you're a husband to that particular animal.

36

37

And like I said, my philosophy is to present a good offence, and this resource is approaching even their determinations that a sustained yield exploitation rate could be established for them. And it's up to the will of the Council what they want to do, but that's my feeling on the issue and if your people that you represent, that you know, that you talk with, want a subsistence hunt, then let's get going with it. We can

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46

MR. KATCHEAK: If I remember correctly, one of the residents from Teller testified that they'd been watching the musk ox for 20 years or so, and they have -- you know, they

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haven't butchered or poached any one of them, and they
don't

2

3 MR. KATCHATAG: No, they allow them to come
4 into the village and accidentally die.

5

6 MR. OTTON: I don't remember that.

7

8 MR. KATCHATAG: I remember that. I remember
9 that pretty

10

11 MR. ADKISSON: We were talking about that
12 earlier. And I think the life expectancy is maybe 15 to 20
13 years, so those original ones out there ought to be falling
14 over dead now anyway.

15

16 MR. KATCHATAG: Right. Right. The original 35
17 introduced have long since died, and the rest of them have been
18 subsided by the local residents.

19

20 MR. LOCKWOOD: I think on this second sentence
21 here on this letter here, I let it go by (ph - loud furnace
22 kicked on). "The State of Alaska is now considering the
23 options for the type of hunt that will take place on the State
24 land. It has listed eight criteria used by the Federal
25 Subsistence Board for determining customary and traditional use
26 for subsistence." I would like that.

27

28 MR. KATCHATAG: You know, one of the -- one of
29 the provisions that authorized regional advisory councils
30 stipulates that if in fact that the Regional Advisory Council
31 makes a recommendation regarding a particular resource, that
32 the Federal -- well, actually it says that the Secretary of the
33 Interior must go along with that recommendation, unless there
34 is a valid scientific or conservation of the resource reasons
35 why they cannot implement the recommendations of the Council.
36 I would -- like I said, the best defence is a good offence,
37 and I would suggest that we take these musk oxen under our
38 umbrella as the Regional Advisory Council and state that we
39 would like to draft a proposal for future subsistence hunts of
40 the resource, and then let everybody else that would like to
41 contend for that resource be forced with the onus of proving
42 that we as a Council have overstepped our bounds in making that
43 recommendation. In other words, instead of fighting uphill to
44 say we have jurisdiction over musk oxen, what we should do is
45 ahead and draft a proposal and circulate that within the
46 affected areas of the regions and start the process, so that we
47 are ahead of the curve rather than behind it.

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1 MR. BARR: I so move, Mr. Chairman.
2
3 MR. OTTON: I'll second.
4
5 MR. KATCHATAG: We have a motion, I don't know
6 for what, but we have a motion and second on the floor. And
7 correct me if I'm wrong, Bill, as the maker of the motion, we
8 have a motion and a second on the floor to take musk oxen
9 within
10
11 MR. BARR: The Seward Peninsula.
12
13 MR. KATCHATAG: the Seward Peninsula
14 Subsistence Regional Advisory Council, and to begin a draft
15 Subsistence management plan for the resource?
16
17 MR. BARR: Yes. Yes. Very good.
18
19 MR. KATCHATAG: Any further discussion? Yes?
20
21 MR. OLANNA: We would have to try and cooperate
22 with the agencies that are -- all of our management people,
23 like Fish and Wildlife Service and the Park Service
24
25 MS. MUKTOYUK: Who seconded the motion? Bill
26 mentioned and who seconded it?
27
28 MR. BARR: He seconded. Roy did. I made the
29 motion and he seconded it. Roy Otton.
30
31 MR. KATCHATAG: You know, another thing that
32 might bolster our argument is the fact that these animals were
33 introduced prior, if I'm looking at this correctly, were
34 introduced prior to the formation of the State.
35
36 MR. OTTON: No, in the 60s.
37
38 MR. KATCHATAG: Let me check again.
39
40 MS. MORKILL: Mr. Chair, I believe musk oxen
41 were brought to Nunivak Island in the 1930s.
42
43 MR. KATCHATAG: Right.
44
45 MS. MORKILL: Weren't actually reintroduced on
46 the Peninsula until the 1960s.
47
48 MR. KATCHATAG: Thank you. '68. Oh, wait.
49 Wait. Wait. '64 and '65.
50

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1 MR. OLANNA: Mr. Chairman?
2
3 MR. KATCHATAG: Yes, sir?
4
5 MR. OLANNA: Could I question the lady that
6 seems to be so knowledgeable about the musk oxen
7
8 MR. KATCHATAG: Okay.
9
10 MR. OLANNA: and the process. If their C
11 and T are positive in Nunivak Island?
12
13 MS. MORKILL: No.
14
15 MR. OLANNA: No?
16
17 MR. ADKISSON: They're actually not.
18
19 MR. OLANNA: Are they there as farm animals?
20
21 MS. MORKILL: No, they have sport hunts
22 (indiscernible).
23
24 MR. OLANNA: But are Eskimos over there doing
25 anything?
26
27 MR. ADKISSON: What happens with them I think
28 that -- and Nunivak really has kind of a unique history to
29 that's not like the rest of the State. And it's got to do
30 with it being designated a wildlife refuge, and the animals
31 were brought in, and, for example, that's one of the reasons
32 now that they've got a sport hunt, but it's tightly controlled,
33 and all of the guides and everything come from Nunivak Island,
34 and a lot of the meat then that comes from those hunts goes
35 back into the community. I'm not sure that you could really
36 take that and transplant that up to here now in this time and
37 place. It's kind of a special situation.
38
39 MR. KATCHATAG: You know,
40
41 MS. MUKTOYUK: Mr. Chairman, I have a question.
42
43 MR. KATCHATAG: Yes, Loretta?
44
45 MS. MUKTOYUK: Was there any native
46 corporations, were any of them involved in this process that --
47 when you guys were making the plan?
48
49
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MR. ADKISSON: Oh, the cooperating?

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Corporation?

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MR. ADKISSON: Bering Straits Native Corporation was -- has been involved since we really got the group together. The Reindeer Herders Association has been involved with it. We sent out information to NANA, but they basically

10

11

MS. MUKTOYUK: I'm asking you did the village corporations, did any -- get any kind of information regarding the musk ox plan?

14

15

MR. ADKISSON: Yeah, copies of the original drafts went out to the villages. Bob conducted a series of public meetings, like I said, in Brevig, Buckland, Deering, Shishmaref, Wales, Teller, and in Nome. And then a radio call-in show. And some of the villages have responded. Wales, for example, in times past -- at one time there was a request into the Federal Board I think by possibly Kawerak for a musk ox hunt, and I think because of all the confusion and things, that just never went anywhere. Wales put in a request to the Park Service recommending -- asking for a hunt, and that really didn't go anywhere either. And so there has -- and one of -- some of the villages have asked how to be a cooperator in the future on this plan, because the number of cooperators isn't limited to just what you see on the people that put this one together. That's why I raised the question if this group would want to have one of its members maybe formally participate in these review sessions and actually, you know, along with the other cooperators actually work on future copies of the plan, or simply wants to take, you know, an advisory and review capacity.

35

36

MR. KATCHATAG: Technically, looking at the background history as shown in this plan, technically the Federal Government still has jurisdiction over these animals, my guess. 'Cause you look at it, they were introduced in 1935 and '36 to Nunivak Island, which was designated a national wildlife refuge in 1929. So this was pre-statehood by at least 22 years. And then it wasn't until 1968 that they increased to more than 700 animals. And then in '64 and '65, 33 musk oxen were captured and put into a put into a domestication project, which ended up in Fairbanks, moved to Unalakleet for a while, and I think is now somewhere outside of Anchorage. From '67 to '81, 228 musk oxen were transplant -- translocated from Nunivak Island to establish free-ranging populations elsewhere

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in Alaska.

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2 So technically I would think that the -- well, it's
Bard to say. The herd itself in Alaska predates statehood as
far as the roots go. The 33 or 31 originally brought in from
Greenland were brought in in '35 and '36. So technically they
are actually under Denmark's jurisdiction. No, I'm just
kidding. It's been a long day, believe me.

8
9 MR. OTTON: So what happened to Z. William
Barr's motion?

11
12 MR. KATCHATAG: Okay. Mr. Barr has made a
motion, and Mr. Otton has seconded, that the Seward Peninsula
Subsistence Regional Advisory Council take the offence in
developing a musk ox subsistence management plan.

16
17 MR. OTTON: If somebody else would want to
second it, I would drop my second. Did somebody want to second
down that way?

20
21 MR. KATCHATAG: First of all, before you do
that, let me ask you why would you want to withdraw your
second?

24
25 MR. OTTON: Well, if we had our elder statesmen
in our committee do all the motioning, main motion and second
and everything, it sure would look good. This is off the
record.

29
30 MR. BARR: No, this is a good process. Call
for the question.

32
33 MR. KATCHATAG: The question's been called for.
All those in favor of the motion, signify by saying "aye"?

35
36 ALL: Aye.

37
38 MR. KATCHATAG: And all those opposed, "nay"?
Motion passes. The Seward Peninsula Regional Advisory Council
will develop or will begin the offensive by drafting a Seward
Peninsula subsistence musk ox management plan. Is that in
agreement?

43
44 MR. OTTON: Yep.

45
46 MR. KATCHATAG: As far as when and where,
that's a good question. At least we have started the ball
rolling.

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1 MR. OTTON: That one, what's his name?
2 Lockhart.
3
4 MR. KATCHATAG: Mr. Lockhart.
5
6 MR. OTTON: Yes. Would he be the one to draw
7 up the plan for us?
8
9 MR. LOCKHART: You mean Barb.
10
11 MR. KATCHATAG: Barb is our regional
12 coordinator. The Fish and
13
14 MS. ARMSTRONG: The regional coordinator.
15
16 MR. KATCHATAG: The Fish and Wildlife Service
17 is the lead agency. Right?
18
19 MR. LOCKHART: Yes, sir.
20
21 MR. KATCHATAG: And if you are the -- if you
22 are the lead agency, that means not only are you the lead
23 agency in the management of subsistence, but then you are also
24 the lead agency as staff for the Seward Peninsula Subsistence
25 Regional Advisory Council, is that not correct?
26
27 MR. LOCKHART: That's a very interesting train
28 of logic, and I'm not sure how far you can go with that. But
29 you send in your request, and we'll see how we can help.
30
31 MR. KATCHATAG: Okay. Faced with that, I think
32 would entertain a motion directing staff to develop a draft
33 subsistence management plan for musk oxen. Yes?
34
35 MR. ADKISSON: Well, I guess one of the things
36 keep in mind, that, you know, if we go completely away from
37 the State, and come up with some kind of federal hunt, that's
38 only going to be good on Federal public lands. It's not going
39 to be good on State lands, and it's not going to be good on
40 corporation, village lands. And so I guess, you know, my hope
41 would be that we could all work through this process together
42 where we come up with a workable solution on all the lands
43 we can. And that participation in this process may be one
44 way to do it.
45
46 MR. LOCKHART: Yeah. Mr. Chair? I would also
47 echo that. I think there's no sense in duplicating what -- I
48 think the essence of what you're trying to get at is trying to
49
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determine -- trying to push for a customary and traditional use determination, a positive one for musk ox, and that way, as this management plan develops and they identify a harvestable surplus, on Federal public land, the priority for uses of those, if there was a positive C and T, would be for Subsistence. And that's a very logical way of doing it. If we're trying to develop a separate management plan, it's very likely only going to just be a duplicate of what the expertise of these people are doing right now.

9

10 MR. OTTON: Well, it would be very easy for you
11 just to change the heading of this plan. Put in -- if the
12 Federal and State were to adopt a customary and traditional
13 rating, then you wouldn't have to change this plan to Federal
14 Subsistence musk ox management plan.

15

16 MR. KATCHATAG: No, then all you add is
17 Subsistence Regional Advisory Council right there.

18

19 MR. OTTON: Yes.

20

21 MR. IYATUNGUK: You have kicked the ball.

22

23 MR. OTTON: It is very easy, you know.

24

25 MR. LOCKHART: You know, we do

26

27 MR. OTTON: It's like an ultimatum.

28

29 MR. LOCKHART: We try to work very closely with
30 the State, and, you know, the local people that are in the
31 State are trying to manage the herds for the best uses, and I'm
32 sure a lot of those local people are very concerned about, you
33 know, having a subsistence opportunity. Their hands are tied,
34 because of State law right now. But I think from the
35 standpoint that we can get good comments from your people in
36 this management plan, and at the same time you can be pushing
37 for making a recommendation to the Board to provide for a C and
38 T. And if you have -- furthermore, you can look at those eight
39 criteria and try to flesh some of that out on why you believe
40 that it is a customary and traditional species for your area,
41 then we will be getting a lot further down the road.

42

43 The only other thing I would say is -- I'm sorry, I
44 can't remember your name?

45

46 MR. ADKISSON: Ken.

47

48 MR. LOCKHART: Ken. Ken was very correct. I

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mean, the C and T stuff, the C and T determinations that the Federal Board is undertaking right now is going very slow. And a lot of that is caution in trying to develop procedures on how they really want to handle these things. But, you know, the thing to do is get the request in as soon as you can so that you can in line as soon as you can, because the priorities -- some of the real sticky customary and traditional use issues, the Board has already agreed that they will address those first. And those are mostly in the road-connected areas.

9

10 So I don't know if I'm helping you or discouraging you, but I think your process of trying to get something rolling is good. And the only way you can get something to change is to start something.

14

15 MR. ADKISSON: Two other things, I guess, you know as far as this goes, this process goes that we're embarked on now, while the Fish and Wildlife Service formally hasn't come into it as a cooperator, I don't see anything really precluding that, if they had the staff and the time to, you know, commit to a participation in this planning process.

21

22 And the second one, again like I said, I don't know whether, you know, this group would want to go through year after year or so what we're doing now, or whether you would actually want to have one of your members, you know, sit on this planning process, and see how far we can take it, and what we can do with it. But I think it's important that the C and T gets addressed as, you know,

29

30 MR. BARR: Okay. Mr. Chairman?

31

32 MR. KATCHATAG: Mr. Barr?

33

34 MR. BARR: Well, I'm thinking out loud. Moving right along.

36

37 MR. KATCHATAG: As everyone is -- as everyone that voted is in the prevailing side on the motion that we just passed, is there anyone willing to put it up to reconsideration to change it from developing a subsistence management plan for musk ox to pursuing a favorable C and T recommendation from the Federal Subsistence Board? Or are you all standing by your votes as far as to develop a draft musk ox subsistence management plan?

45

46 MR. BARR: Yes. That's my line of thinking.

47

48 MR. KATCHEAK: Yes. Mine, too.

49

50

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1 MS. MUKTOYUK: So move.

2

3 MR. KATCHATAG: No motion is required, Loretta.
4 I was just asking whether anybody wanted to reconsider or not,
5 and apparently everybody wants to stand by their votes.

6

7 MS. MUKTOYUK: What about the ones for staff to
8 draft up a draft subsistence

9

10 MR. KATCHATAG: Oh, you want to also in the
11 same vein direct staff to direct a proposal for a positive C
12 and T determination from the Federal Subsistence Board?

13

14 MS. MUKTOYUK: (Nods affirmatively)

15

16 MR. KATCHATAG: Okay. We have a motion on --
17 you made the motion?

18

19 MS. MUKTOYUK: Yes.

20

21 MR. KATCHATAG: Okay. We have a motion on the
22 floor for directing staff to develop a proposal for a positive
23 and T determination before the Federal Subsistence Board. Do
24 hear a second?

25

26 MR. BARR: I'll second it.

27

28 MR. KATCHATAG: Seconded. Discussion?

29

30 MR. OTTON: Yeah.

31

32 MR. KATCHATAG: Roy.

33

34 MR. OTTON: What does this do? We made the
35 motion a while ago to

36

37 MR. KATCHATAG: Okay. The first motion was to
38 direct staff to develop a draft musk ox subsistence management
39 plan.

40

41 MR. OTTON: Okay. We

42

43 MR. KATCHATAG: Under the

44

45 MR. OTTON: Okay.

46

47 MR. KATCHATAG: Under the Seward Peninsula
48 Regional -- Subsistence Regional Advisory Council.

49

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1 MR. OTTON: And it passed.

2

3 MR. KATCHATAG: This motion -- right. And it
 4 passed. This motion is to direct staff to develop a proposal
 5 for a positive C and T determination on musk oxen for
 6 subsistence to the Federal Subsistence Board. Is that
 7 not?

8

9 MR. OTTON: So we're sending them down two
 10 ones?

11

12 MR. KATCHATAG: Right.

13

14 MR. OTTON: One road we're saying you better
 15 get us a good C and T or else we go that road. That's -- I
 16 think that's a good way to go. I mean, there's nothing wrong
 17 with doing that, right?

18

19 MR. KATCHATAG: No. You know, we're a Council.
 20 Did we have a second? Oh, yeah, Mr. Barr seconded. We're
 21 into discussion. Any

22

23 MR. KATCHEAK: Question

24

25 MR. KATCHATAG: other comments, questions
 26 --? Staff? Public? Mr. Olanna?

27

28 MR. OLANNA: Yes, going back to getting a
 29 positive customary and traditional rating. If you look back, I
 30 think that most people will agree that Christianity and the
 31 values of Western society came by about by about the late 1800s
 32 so, and imposed upon our lifestyles so that now today we can
 33 celebrate a day late Easter or

34

35 MR. KATCHATAG: Christmas.

36

37 MR. OLANNA: Christmas, and that's
 38 considered traditional. Why not let them do the same thing
 39 with what we're just talking about, the musk oxen? It doesn't
 40 take long to -- for a thing to become traditional.

41

42 MR. KATCHATAG: Well, like I said, we're -- I'm
 43 of the opinion that we should get the ball rolling, you know,
 44 and be proactive rather than reactive. So the first motion is
 45 for staff to develop a draft subsistence management plan, and
 46 that could be as simple as taking the -- like I said, this plan
 47 here and adding Subsistence Regional Advisory Council.

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MR. LOCKHART: And, Mr. Chair, just to clarify that, when you say staff, you mean Fish and Wildlife staff
Is?

MR. KATCHATAG: As the lead agency for the implementation of the

MR. LOCKHART: I will convey

MR. KATCHATAG: subsistence management plan.

MR. LOCKHART: this direction, and I'm sure you will have a response.

MR. KATCHATAG: Good. That's all we want is a response. Any further discussion on the motion directing staff to develop a proposal for obtaining a positive C and T determination for subsistence musk ox management -- well, let me rephrase that. For a positive C and T determination for subsistence use of musk ox.

MR. KATCHEAK: Question.

MR. KATCHATAG: The question's been called. All those in favor of the motion, signify by saying "aye"?

ALL: Aye.

MR. KATCHATAG: All those opposed, "nay"? Motion carries unanimously. Any further discussion on the musk ox management plan?

MR. BARR: No.

MR. OTTON: Boy, I think we made a couple of good moves.

MR. KATCHATAG: Looking at our agenda, we have taken care of the musk ox management plan. The next item on the agenda is the chum crash of Western Alaska. I don't think we have anyone here with the history of the Board of Fish Actions.

I was at two of the Board meetings in February of '92 and in March of -- February of '92 in Bethel and March of '92 in Juneau as part of the Elim Subsistence Committee. In February of '92, they agreed to revisit the Area M impact on Chums in Western Alaska at the March meeting in Juneau. And at

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that March meeting, they changed the management of Area M so that once that Area M chum catch had exceeded 400,000 chums, that the Fish and Game management would impose area and time restrictions on where they could catch chum -- red salmon bound for Bristol Bay. And that once 700,000 chums had been by-caught in Area M, that all fishing affecting chums would be closed.

7

8 The real effect of all of this was that the original
 9 chum cap as it was known at the time before the January meeting
 10 in 1992 was 600,000 chums. At their January meeting via
 11 teleconference they agreed to raise the chum cap from 600,000
 12 to 900,000. As a result of the February meeting, they agreed
 13 to revisit that in March in Juneau, and in March in Juneau they
 14 reduced the 900 K chum cap to 700,000 with special management
 15 regimes to be in place if and when 400,000 chums had been
 16 caught in Area M. So in effect, between January and March of
 17 1992, they increased the chum cap from 600,000 to 700,000.

18

19 This -- all this in the face of testimony by user
 20 groups from Bristol Bay all the way north to Kotzebue that this
 21 by-catch was adversely affecting our chum salmon in Western
 22 Alaska. So we were pretty frustrated with regard to working
 23 with the Board of Fish, because even in the face of the entire
 24 Western Alaska getting up in arms and bringing all kinds of
 25 Fish and Game's own statistics to the table, saying that Area M
 26 was adversely affecting our salmon resources, they effectively
 27 increased the chum cap from 600,000 to 700,000. And as a
 28 result, we ended up with the chum crash of 1993, wherein for
 29 the first time the Board actually imposed emergency orders,
 30 subsistence closures on the Yukon River, which was totally
 31 unheard of, and which the majority of the native subsistence
 32 users on the river violated, because they felt that they needed
 33 the salmon to get through the winter.

34

35 At the December meeting, which is item (B), the Board
 36 only agreed to revisit Area M interception of AYK salmon when
 37 they were told by legal counsel, their legal counsel, that the
 38 Attorney General's Office could not defend their actions in
 39 court if in fact they did not revisit the chum salmon problem,
 40 and the effect of Area M on the chum crash. So regardless of
 41 all the testimony produced again by villagers from Bristol Bay
 42 all the way north to Kotzebue, the only reason that they agreed
 43 to revisit the chum salmon issue and Area M's impact on that
 44 was because they were told by their lawyers, the Attorney
 45 General's Office, that they could not be properly defended in
 46 court in their action, if in fact they did not agree to this
 47 special addition to their agenda in March of the AYK and Area M
 48 chum salmon by-catch problem.

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1 And that is the basis of why in my report to the
 2 Secretary of the Interior that I requested Federal salmon
 3 management -- Federal management of salmon in Alaska, because
 4 we had -- as far as I was concerned, we had exhausted every
 5 administrative avenue at our disposal to try to convince the
 6 Board of Fish that this was in fact a conservation issue. And
 7 it's kind of ironic that two months after my report to the
 8 Secretary of the Interior that the Holland decision came down,
 9 which stated that the Federal Government was not managing
 10 subsistence properly by only managing salmon within
 11 non-navigable waters. In other words, they are not -- they
 12 were not properly protecting the salmon resource as it migrated
 13 home to its stream of origin. And that's the basis that -- of
 14 my understanding of the Holland decision. And, Mike, you can
 15 correct me if I'm wrong?

16

17 MR. LOCKHART: Mr. Chair, I don't have much to
 18 add to that, other than, as I said earlier the oral arguments
 19 in that case are supposed to be March 18th, so something is
 20 coming down fairly quickly.

21

22 MR. OTTON: And in March 21st/24th, they'll be
 23 considering the chum?

24

25 MR. KATCHATAG: The Board of Fish.

26

27 MR. LOCKHART: The Board of Fish, right.

28

29 MR. OTTON: Oh.

30

31 MR. KATCHATAG: In Anchorage.

32

33 MR. OTTON: Depending on what the ruling goes,
 34 will go the Board of Fish meeting.

35

36 MR. KATCHATAG: Maybe.

37

38 MR. LOCKHART: It's hard to say. I mean, you
 39 know, it's -- I'm sure there could be appeals or anything else,
 40 deferred action -- or not deferred action, whatever they call
 41 it. Stay of action or -- there's all kinds of potential
 42 scenarios, and nothing -- we can't really do anything until we
 43 get what comes out of that decision. And it's hard to say how
 44 the State would act in response to that, whichever way it comes
 45 down.

46

47 MR. OTTON: I'm sure they have drafted up some
 48 worse case scenarios.

49

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1 MR. KATCHATAG: What is the Board of the
2 Council -- what is the wish of the Council with regard to the
3 chum crash of 1993? No action?

4
5 MR. OTTON: Wait and see.

6
7 MR. BARR: Wait and see I would think for
8 what

9
10 MR. OTTON: Yeah.

11
12 MR. BARR: in March.

13
14 MR. OTTON: Yeah. We can't do nothing unless
15 we know which road they're going to take so we can act on it.

16
17 MR. BARR: Further discussion I guess -- I
18 mean, further -- see what the Game of Fish (sic) is going to
19 do, you know.

20
21 MR. OTTON: Uh-huh.

22
23 MR. KATCHATAG: Okay. As you can see on our
24 agenda, I had originally thought that we might be able to
25 influence their decision regarding chum salmon in Western
26 Alaska, but I will abide by the decision of the Board to wait
27 and see on the chum crash.

28
29 Any other discussion on the chum crash?

30
31 MR. OLANNA: Mr. Chairman?

32
33 MR. KATCHATAG: Yes.

34
35 MR. OLANNA: Could the public make a comment on
36 that?

37
38 MR. KATCHATAG: Sure.

39
40 MR. OLANNA: Isn't that a little scary? It's
41 like being ruled by the lesser of two evils, and then wanting
42 to be ruled by something that's even larger and more evil.

43
44 MR. KATCHATAG: My rationale for requesting
45 Federal management of salmon is that we had exhausted all
46 administrative avenues available under the State, and that we
47 were still having our salmon resources decimated as evidenced
48 by the '93 crash. And, therefore, since we were not getting

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the relief supposedly available through the Board of Fish, that I was requesting on behalf of the Council that the Federal Management -- Federal Government come in and manage salmon, Because our resources were getting wiped out, and we had no other recourse. In other words, if somebody's wiping out your resource, and you ask them and ask them and ask them and explain to them, "Hey, you're wiping out my resource," and he says, "Well, I'm sorry, but, you know, this is the way this operates," if you can't get any satisfaction from the Board of Fish, what recourse do we have? We either sit there and let the rest of our chums die, or we go up the next step.

11

12

MR. OLANNA: Boil the Governor in oil.

13

14

MR. KATCHATAG: Easy to say, hard to do. But that was the rationale for me on behalf of -- as chairman of this Council requesting Federal management of the salmon resource. So that's

18

19

MR. OLANNA: We're talking about an irony here. We're trying to become positive on the customary and traditional use of the musk oxen, and then at the same time we're discussing the fact that the fish are decreasing here. And we're saying that we're not going to be ruled by the State any more. We might as well go up to the next higher form of government, which would be the Federal Government. Are we talking -- am I thinking along the same line as you are?

27

28

MR. KATCHATAG: My rationale was if -- under the State system they're wiping out our chums anyway,

30

31

MR. OLANNA: Uh-huh.

32

33

MR. KATCHATAG: and we have tried everything that we can do to make the State stop, and they still do it in spite of everything that we tell them.

36

37

MR. OLANNA: Uh-huh.

38

39

MR. KATCHATAG: Then we either revolt and say, "Okay. State of Alaska be gone." Or we say, "Okay. I'm a law abiding citizen. If I can't get redress from the State, then I go to the Federal Government." And if we're -- if our salmon resources are going like this and the State does nothing, do we just sit there and say, "Well, the State won't do nothing, what the hell can I do?"

46

47

MR. OLANNA: What if the -- let's look at it this way: What if the Federal Government decides nothing can

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be done about that? What do we do? Start a civil war because of fish like the Bosnians are fighting over some sort of ideal?

2

3 MR. KATCHATAG: It all depends how strongly
4 people feel about what they eat.

5

6 MR. OLANNA: Uh-huh. That's -- this is real
7 serious. I think this is serious.

8

9 MR. KATCHATAG: It is serious. And I didn't --
10 you know, I didn't take the action as Chair lightly. I have
11 been involved in this issue with the Elim IRA Council. They're
12 the ones that pushed me and said, "Hey, we need some
13 representation to the Board of Fish, because this is what's
14 happening." And I just about backed out and said, "Hey, you
15 know, I have neither the time or the money to go to Bethel, and
16 I have a family and a dog team to take care of," and they said,
17 "Well, you know, you've got two weeks to take care of your
18 family as far as wood is concerned, to stock them up enough to
19 last the ten days that the Board of Fish is planning to meet.
20 And as far as dog food, you also have ten days to make sure
21 that you have enough dog food to sustain your dogs during the
22 time that you'll be gone." So they presented the argument,
23 saying, "Hey, we need representation before the Board of Fish,
24 and we're asking you to represent us." So I've been involved
25 in the process, and I've seen how the Board of Fish operates,
26 and to them it's strictly an allocation issue among commercial
27 users. They care less about conservation. If you look at
28 their transcripts, their attitude toward the chum crash in
29 Western Alaska is strictly allocation. And under that system,
30 the people that live along the rivers in which these fish
31 come to reproduce, bear the total conservation weight of that
32 resource. They're still -- this year I think they got 530,000
33 chums down there in Area M. Western Alaska got next to
34 nothing. So they shut us down. They said, "You cannot subsist
35 you can't even subsist on chum salmon." And yet they still
36 not -- even they know that Area M is the area where those
37 salmon come through, they did not impose any kind of
38 restrictions on their take, other than saying, "Once you guys
39 catch 400,000, then we'll impose these management
40 restrictions." But the over-all cap, they jumped it from
41 600,000, which was the 1991,

42

43 MR. OLANNA: Uh-huh.

44

45 MR. KATCHATAG: they jumped it up to
46 600,000 in spite of everything that we presented to them,
47 saying, "Hey, we want you to not only not reduce it -- I mean,
48 it increase it from 600 to 900, we would like you to drop it

49

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from 600 to 400,000 at the most." Because we presented pretty convincing argument, using their commercial catch data, that showed that any time Area M exceeded 400,000 chums, one or another, and in 1993's case, just about all of Western Alaska crashed as far as chum salmon are concerned. Or they were real late.

6
7 MR. OLANNA: I'd rather we have the choice of
8 getting our food from the usual place we get them, instead of
9 going to the store to buy some cow meat.

10
11 MR. KATCHATAG: Right. If they allow all your
12 chum salmon in all of Western Alaska to be by-caught -- they're
13 not even targeting the chum salmon. They're targeting the red
14 salmon. But yet they are allowed to catch in the process
15 750,000 chums. So that eventually you will -- if you're used
16 to eating fish, you either adapt to a different fish, or you
17 start buying tuna from the store.

18
19 MR. OTTON: Not tuna.

20
21 MS. MUKTOYUK: Mr. Chairman?

22
23 MR. OTTON: Cow meat.

24
25 MS. MUKTOYUK: I think the Board of Fisheries
26 will be having a meeting this month? Was it this month?

27
28 MR. KATCHATAG: March twenty-

29
30 MS. MUKTOYUK: March 21st to 24th?

31
32 MR. KATCHATAG: To 24th.

33
34 MS. MUKTOYUK: So you have your comments -- you
35 could send your comments to the Board of Fisheries. You've got
36 many days until

37
38 MR. OLANNA: March 24th.

39
40 MS. MUKTOYUK: the 21st.

41
42 MR. OLANNA: Where's this meeting going to be
43 held at?

44
45 MR. KATCHATAG: Anchorage.

46
47 MS. MUKTOYUK: Anchorage. And I don't know
48 whose got the address to the Board of Fisheries.

49
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1 MR. KATCHATAG: ADF&G, Board of Fish. Yes,
2 George?

3

4 MR. LOCKWOOD: Last month I -- I always buy the
5 morning paper, Anchorage papers, and I read -- I forget just
6 what week, what date it was, and there were -- in one -- on
7 front page I see fish counts. Commercial fishing and sports
8 fishing. And then it says that all sport fishermen get more
9 fish than commercial fishermen on that year. I don't really go
10 for that. You know, a commercial fisherman, being a commercial
11 fisherman myself, we been on that for a long time, a lot of
12 men, fishermen depend on their catch, and here sports fishing
13 get more fish than commercial fishermen. I can't understand
14 that. It's just sport, it's not commercial. They fish for
15 themselves. It think they should -- that sport, it should be cut
16 down in half or very little. Commercial fishermen been fishing
17 for years, and they live off of it, and not sporting, even work
18 for their money. I'm a fisherman, and I know how this fishing
19 issue is not just like going out and enjoy fishing sometimes.
20 A lot of times you don't get much, and weather. Rough. They
21 stand a lot of things. Fishermen here -- and another way I
22 look at it is they -- Fish and Wildlife always hold everything
23 for sport fishing in the river until they're satisfied there's
24 a lot of escapement. And here they down on the Kenai River just
25 about both side of Kenai River bank, I think is full of
26 fishermen. And they can fish all week maybe, so I don't know
27 how they handle that, but commercial fishermen fish by open
28 periods.

29

30 MR. KATCHEAK: Mr. Chairman?

31

32 MR. KATCHATAG: Yes, Mr. Katcheak?

33

34 MR. KATCHEAK: Yes. I don't think we'll ever
35 convince the Fish and -- State Fish and Game that we're the --
36 we're depending on -- we depend on these fish, and therefore we
37 want our quota or our -- we want to fish so much. Mostly
38 because I -- in 19 -- back in 1975 I went to Fairbanks and
39 testified before the State Fish and Game Board to open the
40 Stebbins/St. Michael area for king salmon, chum salmon, silvers
41 and cohos. And then their reason for not supporting me was
42 that there's not enough fishes escapement in Pikmiktalik, and
43 Unalak (ph), and also Nunavulnuk River. So -- and they also
44 determined that the reason why they didn't support it is
45 because of Stebbins was a cape fishery. So I felt really bad,
46 because one of the rivers that Stebbins always -- that they had
47 access to was a river right outside of Kotlik, or north mouth,
48 Astolik River, and according to Fish and Game there's -- the

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fish are so numerous in that, when they go in to spawn, that it just dwarfs those three rivers I mentioned. So I asked them why, because through the grapevine I heard there was intercept fishery in False Pass and some other area. So I said, "Why can't we -- why can't you allow us an intercept fishery, too?" Well, they said there's not enough rivers in our area to support the spawn of this fishes.

7

8 So it's very hard to -- it's gotten very hard to convince the State Fish and Game that -- to justify that we want to get our quota of fish, and we're subsistence users, and I don't think we'll ever get any -- to anywhere with them, except if we go to our last resort by resort to have a Federal management of fish.

14

15 MR. KATCHATAG: Thank you, Ted. One last comment that I would like to make is that my boss, John Demuruk, who's the executive director of Norton Sound Economic Development Corporation, was in Seattle for the commercial fisheries expo down there, and it just so happens that one of the people that had -- one of the organizations that had a booth down there was Aleutians East Borough. I'm not sure if we don't have a map here, but the Aleutians East Borough comprises the outer end of the Alaska Peninsula and the first two or three islands I think of the Aleutian Islands, and they put out a brochure that my boss picked up, and I should have bought it.

27

28 But they listed some pretty interesting statistics in that particular brochure. The Aleutians East Borough has a population, the entire Borough has a population of 2,464 people as of the 1990 census. Okay. 2,464 people. And they brag that the salmon landed in their ports by people fishing in Area 3 in 1993 was worth ex-vessel, which means what the fishermen as a fisherman got for that salmon, for all fish in 1990 was \$523 million. Also in that brochure they boasted that the fishermen in the Aleutians East Borough catch almost 20% of all salmon, all salmon, caught in Alaska.

38

39 And if you divide even those numbers, 123 million divided by 2,464, you're looking at an income of in excess of \$15,000.00 for every man, woman and child down there.

42

43 And in 1993, they were expecting that their entire salmon -- I mean, their entire fishing income to exceed \$550 million dollars. And they say in any given year, between \$60 and \$85 million of it comes from salmon. So there's something wrong there, and

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MR. LOCKWOOD: Let's go down there.

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2 MR. KATCHATAG: And it just so happens that the
3 former Director of Boards, which oversees the Board of Fish and
4 the Board of Game, presently works for the Aleutians East
5 Borough as Peninsula Marketing Association director. And the
6 Commissioner of Commercial Fisheries in the Alaska Department
7 of Fish and Game when we were fighting them in January -- or in
8 February and March of 1992, when he resigned from his position
9 as Commissioner of Commercial Fisheries for the State, he went
10 to work for Aleutians East Borough.

11
12 So their attitude is, and in looking at the over-all
13 actions of the Board of Fish, is that money talks and bullshit
14 talks. And it just so happens that all of Western Alaska is
15 walking.

16
17 MR. KATCHEAK: I know

18
19 MS. MUKTOYUK: If we don't watch for our crabs,
20 too, they'll be doing the same thing.

21
22 MR. KATCHATAG: But that's -- those are --
23 yeah. Those are just the statistics that I wanted to bring
24 before the Board to let you know that the Board of Fish is
25 definitely not on our side. And it's only when they are forced
26 by their legal counsel that they even approach doing things for
27 us. So that's all I have to say on that particular issue.

28
29 Any other comments on salmon or Federal salmon
30 management?

31
32 MR. IYATUNGUK: Mr. Chairman?

33
34 MR. KATCHATAG: Yes?

35
36 MR. IYATUNGUK: Yeah, I believe you very much
37 on Fish and Game -- I mean Board of Game. They won't do
38 anything for anybody but themselves. It consists of just a
39 lot of sports hunters and licensed people there. More likely
40 they help only one -- maybe one or two natives there in it.
41 The Board of Fish or the Board of Game.

42
43 MR. KATCHATAG: And to give you an idea,
44 between herring and salmon this year, between herring and
45 salmon, the entire commercial fisheries income in Norton Sound,
46 don't think we even hit \$750,000.00 this year. \$750,000.00.
47 And that's fishing from June 8th till September 8th. And they
48 fish at the most three weeks down there for salmon, for reds

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anyway. But that's all I have to say on that issue.

1

2 Moving on, one of the things that I talked with Barbara
 3 earlier about was the applications for subsistence, the RAC
 4 positions. There are two positions up this year, Leonard's
 5 position and my position. One of the options that the Council
 6 has, according to Barb, is that the entire Council, and then
 7 for this to happen, I would turn over the Chair to the vice
 8 chair and the Council itself can vote on whether or not to make
 9 a recommendation that I be reappointed. That's strictly up to
 10 you folks. And I would like to get this out of the way right
 11 now so I will turn the Chair over to Mr. Otton and take a
 12 break, and you guys can decide whether or not you guys want to
 13 do anything like that, and that's strictly up to you, and I'll
 14 take a break. And then in about ten minutes I'll come back
 15 and

16

17 MR. OTTON: No, make it one minute.

18

19 MR. KATCHATAG: Okay. One minute. We'll come
 20 back.

21

22 MR. OTTON: Is there a motion to keep Sheldon
 23 Chair of this body? As a recommendation?

24

25 MR. KATCHEAK: I would suggest that we keep
 26 both of them, and since it's a new organization

27

28 MR. BARR: Yeah.

29

30 MR. KATCHEAK: we need to set up a track
 31 record. And I think that they both need more time to be
 32 involved and be helpful. So

33

34 MR. OTTON: Okay. There's a motion made by
 35 Theodore Katcheak

36

37 MR. KATCHEAK: I move.

38

39 MR. OTTON: and Loretta is writing it.
 40 there a second?

41

42 MR. BARR: Second.

43

44 MR. OTTON: There's a motion made and seconded
 45 and she

46

47 MR. BARR: Question.

48

49

50

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MR. OTTON: Yeah. Question. There's a question. All in favor, and Loretta's writing it down. Have you got the motion for?

MS. MUKTOYUK: Motion made by Sheldon Katchatag (sic) to keep

MR. OTTON: No.

MS. MUKTOYUK: Leonard Adams?

MR. OTTON: No. By Ted Katcheak.

MS. MUKTOYUK: Ted Katcheak.

MR. KATCHEAK: Moved.

MS. MUKTOYUK: Suggested that we keep both Leonard Adams

MR. KATCHEAK: Moved.

MS. MUKTOYUK: Moved.

MR. KATCHEAK: I moved. Cross out "suggested". All right. Katcheak moved to

MS. MUKTOYUK: Moved to keep Leonard

MS. ARMSTRONG: Well, to endorse.

MR. KATCHEAK: Oh, endorse.

MS. ARMSTRONG: Because anybody still

MR. KATCHEAK: Oh, okay.

MS. ARMSTRONG: anybody still has the right to apply. You guys

MR. KATCHEAK: Okay. Moved to endorse

MS. ARMSTRONG: are just endorsing to commend.

MR. KATCHEAK: Endorsed to recommend.

MS. ARMSTRONG: That's all you do. And then anybody still can apply for these two positions.

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1 MR. KATCHEAK: Move to endorse.
2
3 MS. MUKTOYUK: Move to endorse.
4
5 MR. KATCHEAK: Sheldon Katchatag and James
6 Adams.
7
8 MR. BARR: Leonard.
9
10 MS. MUKTOYUK: Leonard.
11
12 MR. KATCHEAK: Or Leonard, I'm sorry. I keep
13 thinking about
14
15 MR. BARR: You're getting tired, to.
16
17 MR. OTTON: SPSRAC. There's a motion made
18 by
19
20 MS. MUKTOYUK: Seconded by Barr.
21
22 MR. OTTON: Bill, seconded by -- made by
23 him, seconded by him. Question called. All in favor of this
24 motion say "aye"?
25
26 ALL: Aye.
27
28 MR. OTTON: All opposed, same sign? We can
29 keep them. That was easy. Didn't we take a minute or two?
30
31 MR. KATCHEAK: And as far as Chairman is
32 concerned, I guess we need to wait on the Federal Subsistence
33 Board to endorse him.
34
35 MR. OTTON: Yeah. Well, he's still Chair,
36 right, up through the time when
37
38 MR. BARR: Oh, yeah.
39
40 MS. ARMSTRONG: Uh-huh. He's still Chair until
41 this fall, because the applications go out -- the deadline is
42 April 1st, and they're in service until the new people get
43 appointed, because it will be up to the Secretary of the
44 Interior to appoint.
45
46 MR. BARR: Okay. Call them back.
47
48 MR. KATCHEAK: I figure it's going to take too
49
50

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long to educate new people.

1

2

MR. OTTON: We canned you.

3

4

MR. KATCHATAG: Good. I'm glad to hear it.

5

6

MR. OTTON: No, we like you so much we're making a recommendation to keep you.

8

9

MR. KATCHATAG: I appreciate that.

10

11

MR. BARR: Okay. Moving right along with the agenda, Mr. Chair?

13

14

MR. KATCHATAG: Okay. Are you going to turn the chair back over to me?

16

17

MR. OTTON: Oh, I turn the chair back to the Chair.

19

20

MR. KATCHATAG: Thank you, Mr. Chair. The only thing that I show on our agenda now are items nine, ten and 11, number nine being any regulation change proposals. Do we have any? Hearing that there are not, that item is tabled.

24

25

Moving on to item ten, comments? Anyone on the Council wish to make any comments?

27

28

MR. KATCHEAK: No.

29

30

MR. KATCHATAG: Roy? Silence? Mr. Barr?

31

32

MR. BARR: Nothing.

33

34

MR. KATCHATAG: Silence. Ted?

35

36

MR. KATCHEAK: Silence.

37

38

MR. KATCHATAG: Loretta? Any comments?

39

40

MS. MUKTOYUK: In the future, one item I'd like to see on there is that commercial crabbing, because it will have the same effect on us as did that chum crash. And we should be thinking about doing something before it does happen. Start acting now.

45

46

MR. KATCHATAG: You would like to see that on future agendas?

48

49

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MS. MUKTOYUK: Uh-huh.

1
2 MR. KATCHATAG: That would be kind of difficult
3 to do, because it is a commercial venture, and we're -- the
4 only time that I could see that that would come under our
5 jurisdiction as Subsistence Regional Advisory Council would be
6 any time that there might be any shortages of subsistence
7 resources. But even then, I don't think it applies, because
8 aren't we land based?

9
10 MS. ARMSTRONG: Yeah. For animals.

11
12 MR. LOCKHART: Well, there

13
14 MR. OTTON: Well, in January 1994 Judge Holland
15 gave a preliminary ruling agreeing with Katy John, Federal
16 public lands include the State's navigable waters and waters
17 offshore three miles.

18
19 MR. KATCHATAG: I stand corrected. Or I sit
20 corrected.

21
22 MR. OTTON: And it -- Title 8, Federal
23 subsistence priority will apply to all fisheries, thereby
24 subjecting sport, commercial and personal use fish to Federal
25 court intervention. The Federal Government was exercise
26 control over activities in State waters, such as fisheries
27 operations, mining, and et cetera. So it's awesome (ph).

28
29 MR. KATCHATAG: So technically it could come
30 under our purview, right?

31
32 MR. LOCKHART: Well, there are -- yes, but
33 there are existing fish and shellfish taking provisions. I
34 think the only place we really have shellfish taking now is on
35 Federal waters around Kodiak. There may be some other ones,
36 but if this were to be in place, then, yes. Potentially.

37
38 MR. KATCHATAG: Would that not also apply then
39 to the Alaska Maritime Refuges?

40
41 MR. LOCKHART: Well, currently the marine
42 waters that are reserved in title don't include the maritime, I
43 don't think. Well, I take that back. I'll have to look at
44 that. I think there are -- I think you're right. I think it's
45 the boundary around -- a certain area around maritime is also
46 reserved.

47
48 MR. KATCHATAG: Right. What I'm wondering is

49
50

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what kind of boundary are you talking about? Are you looking at three miles, 12 miles?

2
3 MR. LOCKHART: I don't know what it is. I
4 really -- it's -- well, let me look and see if it says in the
5 regulations book. Hold on.

6
7 MR. KATCHATAG: Okay. While he's looking, any
8 further comments? None?

9
10 MR. KATCHEAK: Yes, Mr. Chair?

11
12 MR. KATCHATAG: George?

13
14 MR. LOCKWOOD: No.

15
16 MR. KATCHATAG: None? Ted?

17
18 MR. KATCHEAK: Yes, I'd like to add that
19 Federal salmon management request to be on the agenda next
20 meeting.

21
22 MR. KATCHATAG: Okay. Do you hear that, Barb?

23
24 MS. ARMSTRONG: Uh-huh. Federal management of
25 salmon?

26
27 MR. KATCHATAG: Federal salmon management
28 request be on the agenda of the next meeting.

29
30 MS. ARMSTRONG: Okay.

31
32 MR. KATCHATAG: Leonard, any comments?

33
34 MR. ADAMS: No.

35
36 MR. KATCHATAG: Any comments from the staff?
37 Hearing none, any comments from -- no ADF&G people. Oh, I'm
38 sorry?

39
40 MR. OLANNA: This is my personal opinion. I'm
41 starting to get this scary thought that both the State and the
42 Federal Government agencies are not doing anything on this
43 salmon crash, because of the fact that they want all Alaskans
44 to become into the monetary system where you have to purchase
45 food, and not get it yourself through subsistence.

46
47 MR. KATCHATAG: I guarantee you that your
48 scary feeling is the nightmare.

49
50

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1 MR. OTTON: You aren't the only one feeling
2 that way.

3
4 MR. KATCHATAG: Any other comments from the
5 public? Hearing none, I would entertain a motion to adjourn.

6
7 MR. BARR: So move, Mr. Chairman.

8
9 MR. KATCHATAG: We have a motion to adjourn. Do
10 hear a second?

11
12 MR. LOCKWOOD: Second.

13
14 MR. KATCHATAG: Seconded. Adjourned at 8:52
15 p.m.

16
17 (END OF PROCEEDINGS)

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